

VEGANISM AND THE ETHICS AND EPISTEMOLOGY OF DISAGREEMENT: A  
NEO-PASCALIAN APPROACH

By

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A dissertation submitted to Johns Hopkins University in conformity with the  
requirements for the degree of Doctor of Philosophy

Baltimore, Maryland,

February, 2018

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# Abstract

Disagreement is without a doubt one of the most universal, enduring, and oftentimes quite vexing, features of our life in common. This latter aspect, to be sure, becomes all the more evident when the particular disagreement at hand concerns differing *ethical* beliefs, value-judgments, or deep questions about the nature, and scope, of morally permissible action as such. One such question—also the chief subject of dispute to be taken up in this dissertation—is whether or not human beings are morally justified in killing, eating, wearing—in a word, *exploiting*—non-human animals for our benefit when doing so is neither required for us to survive or to flourish. Ethical vegans answer ‘no,’ insisting that non-human animals, *qua* sentient, conscious, experiential *selves*, ought to be treated with fundamental concern and respect, which, at a minimum, demands that we stop exploiting them as resources and commodities. Unsurprisingly, many disagree.

While I shall have much more to say about (and in support for) ethical veganism in what follows, the guiding aim of this dissertation is firstly to explore certain key questions regarding the ethics and epistemology of disagreement(s) *about* veganism. In this way, my approach notably departs from that which has long prevailed (and rightly so) in conventional animal rights theory and vegan advocacy, where the emphasis, and aim, has generally been about making the *first-order* case for animal rights, abolition, and, therein, for veganism itself. While I heartily agree with, and applaud the efforts

of, those who have contributed to this task, there is frankly not much else left to say in this regard.

However, I shall argue that there *is* a compelling ‘second-order’ case to be made for becoming vegan; one that has, to my knowledge, gone largely, if not entirely unnoticed, but which has the potential to be at least as persuasive and effective as its more conventional ‘first-order’ counterpart(s)—perhaps more so. I call this a ‘Neo-Pascalian argument for precautionary veganism,’ and in what follows I shall undertake to motivate, elaborate, and defend this approach as a novel contribution to the theory and practice of veganism and animal advocacy.

Dissertation Committee Members: Hilary Bok (Advisor), Michael Williams (Second Reader), Richard Bett, Will Kymlicka, Angus Burgin

# Acknowledgements

As rewarding as it can be, writing a dissertation can also be a quite lonely, demanding, and at times almost overwhelming undertaking. It is, then, with immense gratitude that I must thank all those who have helped me along, in various ways and at various stages, throughout this endeavour. I could not have done it without you.

As any philosopher knows, though the initial research, and actual act(s) of writing, that ultimately propels our discipline forward tends, by and large, to be a mostly solitary affair, any substantial ‘finished’ piece of philosophical work will (or at any rate, *should*) have undergone various rewrites and revisions in response to external feedback. This dissertation is certainly no exception. In this respect, and others, the guidance and support of my advisor, Hilary Bok, has been invaluable. Over the past few years, Hilary has read numerous drafts of chapters-in-progress, and has provided consistently helpful, and challenging, criticisms and suggestions for improvements. (In some cases, the final form of a chapter bears only the faintest resemblance to earlier drafts; in each case, this is a good thing.) In addition to her written feedback, Hilary has also spent countless hours discussing my work with me—both in person and over the phone—and as philosophically valuable as these exchanges were, I am equally grateful for her ‘advisorly’ knack of putting me at ease when I felt like my research wasn’t progressing as smoothly, or as quickly, as I would have liked (this was especially appreciated during the very early stages of this project). Thanks, Hilary; there is no question that this is a philosophically stronger work for your involvement, but it was also a less daunting project than it might have been for your support.

Thanks, too, to the other members of my committee; Michael Williams (Second Reader), Richard Bett, Will Kymlicka, and Angus Burgin—each of whom has given generously of their time and expertise in reading, and commenting upon, my work, and participating at my defense.

I must also give thanks to the JHU Philosophy Department itself, and not least for its generous financial support over the years—both in the form of fellowships and TA-ships—but for the superb philosophical training I was fortunate enough to receive there. Philosophical education involves both a formal and an informal aspect; the former includes classes, seminars, colloquium talks, examinations, and the like; the latter, those many and varied impromptu exchanges one cannot help but find oneself taking part in, simply on account of being around so many keen philosophers, with diverse interests, day after day. In both respects, JHU is a terrific place to study philosophy.

Thanks, too, to the Department (and to the estate of Arthur Lovejoy) for awarding me the Lovejoy Dissertation Completion Fellowship for Spring term, 2017. A substantial

portion of my dissertation was completed during the tenure of this fellowship, and I remain as grateful as I am humbled by the Department's decision to award it to me.

On behalf of the entire Department, I must also acknowledge the tremendous support that is provided, day in and day out, by our peerless administrative staff—in particular, our Senior Administrative Coordinator, Alicia V. Burley, and our Academic Program Coordinator, Veronica Feldkircher-Reed; each of whom has assisted me with more questions, queries, forms and deadlines over the years than I can count. Thank you both, so much, for making all things administrative that much more straightforward and easy to navigate.

Thanks also to my friends and colleagues at JHU, and not only for your support and encouragement over the years, but for contributing, each in your own way, to an overall atmosphere of intellectual camaraderie and shared inquiry that made for about as stimulating and fulfilling a grad school experience as I could have hoped for. In particular, I would like to thank Alexander Englert, Joshua McBee, Kevin Powell, and Josef Simpson, each of whom has read, and commented upon, various sections of this dissertation (in some cases, entire chapters); all of whom have provided astute criticisms and observations that were of great benefit to me in shaping my view.

On a more personal note, I must give special thanks to my partner, Tina Vashistha, without whose love and support I would not be where I am today... because I would not be *who* I am today. Truly, our countless conversations about my work, and your many critical insights and helpful suggestions about same, comprise but one aspect of the influence you've had on this project; the others are too many and various to list. For this, for your endless support, and for everything, I dedicate this dissertation to you. (Thanks, too, to Adèle and Jolie, our two cats, for being the sweetest feline companions there ever was, and ever will be).

I am also incredibly fortunate for all the advice, emotional strength, and unfailing moral support I have always received from my wonderful family. As you all know very well, this has been a long road; your enthusiasm and constant encouragement along the way, however, was something I could always count on to help make it not *feel* quite so long. Whether by discussing philosophy with me—or, indeed, by helping me to take my mind *off* philosophy for a while—you have all always been there for me, and I cannot thank you enough.

Finally, I would like to thank Jenny Stein (director) and James LaVeck (producer) of Tribe of Heart ([http://www.tribeofheart.org/sr/home\\_english.htm](http://www.tribeofheart.org/sr/home_english.htm)) for the powerful, indeed transformative, study of human-animal relations, and the awakening of conscience therein, that is at the core of their excellent documentary film “A Peaceable Kingdom: The Journey Home” (<http://www.peaceablekingdomfilm.org/home.htm>). I

was fortunate enough to attend a screening of this film in 2012 at the Baltimore Museum of Art, and while I entered that auditorium a vegetarian, I exited a vegan. I must also acknowledge, with deepest thanks and the greatest respect, the inspirational message of Harold Brown (<http://www.farmkind.org/>), one of the principal subjects of the film, who was also present for the screening, and who spoke candidly afterwards during the Q & A period. Long may your story inspire others to change their lives too, Harold; long may your words, and your example, be a guide as they seek to bring their own consumptive habits into harmony with their deepest, best selves.

*For Tina*

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# Introduction

The following dissertation is an extended philosophical dialogue (of sorts) that explores conventional animal ethics/animal rights theory in connection with certain key debates in contemporary ethics and epistemology; in particular, the ethics and epistemology of disagreement. The dialogue in question is between ethical vegans and omnivores (or, more broadly, between vegans and non-vegans); the first question to be taken up is whether or not veganism, understood as a moral imperative, is a matter over which people can (and do) *reasonably* disagree. In developing my response to this question, I begin by endeavouring to parse the notion ‘reasonable disagreement’ *on its own terms*—that is to say, taking as my starting point what we appear *already* to understand this notion to mean, given how we actually use it. With that in mind, the account that emerges (in Chapter 1) can largely be viewed as an exercise in conceptual analysis; the idea being less to theoretically *define* a formal, much less a ‘technical,’ notion, than to help clarify, and thus improve, our intuitive, pre-theoretic grasp of an already (relatively) familiar one.

In addition to the original argument I develop about veganism and reasonable disagreement, a number of the findings of my investigation have significant implications, both practical and theoretical, that extend well beyond the confines of pure animal rights theory; in particular, the Neo-Pascalian approach that I first introduce in connection

with the vegan-omnivore debate (in Chapter 2) has considerable practical utility as a kind of ‘tie-breaking,’ or better, ‘fog-clearing’ device that can in principle be applied to a variety of different cases—and not merely those of interpersonal moral disagreement either; but also, indeed very much so, to cases of *personal* moral uncertainty as well. To that end—and granting that the specific details of its application in this particular case are somewhat complicated (as will become clear later on)—this feature of the Neo-Pascalian approach will become especially evident in the early stages of Chapter 3, for it is here that I explore the implications of my approach in connection with the abortion debate. In this way, and others, my project aspires to be both practically relevant to real-world moral discourse, and philosophically informative at the same time.

A further aim of this project—Chapter 3, specifically—is somewhat personal in nature, for it is here that I undertake to analyse, examine, and ultimately determine my own view on the morality of abortion. This is not to say, mind you, that the scope of my findings in this chapter are themselves wholly personal; hardly. The results of my efforts in this chapter will be of obvious interest (and, I hope, benefit) to anyone who has similarly struggled to decide where one stands on this inherently difficult issue. That being said, since I myself am vegan—and, more to the point, since I shall be investigating this issue from an expressly vegan perspective—it is perhaps fair to say that the account I set forth here is likely to be of *most* interest to fellow vegans. This, however, is not something I regard as a shortcoming; on the contrary: it is but another indication of the

sense in which this dissertation strives to include—indeed, *reach*—not merely professional philosophers as its target audience, but non-philosophers as well.

In addition, and as I hope will seem evident even now, one of the major themes that runs throughout this entire project is the matter of considering how each of us—e.g. vegan, vegetarian, omnivore, philosopher, carpenter, accountant, or what have you—can best respond to the various real-world cases of moral disagreement in which we all find ourselves from time to time. Granted, the particular *case* of real-world moral disagreement that serves as the focus, indeed motivation, for this dissertation is that between vegans and omnivores (about veganism). Even so, there is much in my treatment of this issue that can be abstracted from this particular context, and considered independently. The most important aspects in this regard, perhaps, are those sections of the dissertation that pertain to the concept of ‘epistemic peerhood.’ Roughly, an ‘epistemic peer’ is someone you take to be about comparable to yourself in terms of reasoning ability, general intelligence, possession of/sensitivity to (relevant) evidence, freedom from bias, and so forth. In other words, someone whose general intellectual virtues you regard as (basically) symmetrical to your own. As we will see in some depth and at some length later on—specifically, in Chapters 2 and 4—the matter of whether, and when, we do, or don’t (indeed, *should*, or should *not*) hold an interlocutor in this particular regard raises interesting, and quite tricky, further questions; foremost of which, perhaps, being that of how we should understand the *epistemic* significance of

any potential disagreement(s) therein. Again, though my focus, throughout, will primarily be with the vegan-omnivore debate, an additional aim of this project is to hopefully help cut the *prima facie* vexing ‘problem’ of peer disagreement down to size. In sum, though this problem is surely, to say the very least, philosophically weighty on the surface (see my summary of Chapter 2, below, for a statement of the problem), we may yet come to see that the actual difficulty here is perhaps not quite as formidable as it appears (and as many have supposed it to be). That said, actually *showing* why and how this is the case will take some care; this, among others, is one of the tasks this thesis will attempt to discharge.

In the interest of finding our bearings early on, the following is a chapter-by-chapter synopsis of the dissertation as a whole.

## CHAPTER 1: ETHICAL VEGANISM AND REASONABLE DISAGREEMENT

The aim of this chapter is to present, in broad outline, the conceptual resources, analytic tools, and general argumentative strategies with which I shall undertake to investigate—and, ultimately, to defend a particular answer to—the following question: given that (a):

ethical<sup>1</sup> veganism<sup>2</sup>, understood as a moral imperative, is manifestly something over which people can and do disagree (i.e. as a matter of brute fact); and given that (b): it is also something over which people can and do *intelligently* disagree (i.e. as matter of their having, or coming to hold, differing philosophical judgments as to where, why, how—indeed, *whether*—one or more of the various arguments for, or empirical considerations adduced in support of, ethical veganism either succeeds or comes up short<sup>3</sup>), ought we to conclude that (c): ethical veganism is *also* manifestly—or perhaps even paradigmatically?—something over which people can and do *reasonably* disagree?

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<sup>1</sup> By “ethical vegan” I mean, roughly, someone whose veganism derives from, e.g., the belief that non-human animals have an intrinsic moral status as sentient beings such that they ought always to be treated as ends in themselves, and never as a mere means. A less theoretically loaded description, perhaps, would be to say that the term picks out anyone whose veganism is *morally motivated*. The term is sometimes used to differentiate vegans of this sort from those whose veganism is motivated by, e.g., health reasons, religious prescription, or environmental reasons. Throughout the dissertation, I will use the terms “vegan” and “ethical vegan” interchangeably, though it should be noted that the latter is always what I have in mind.

<sup>2</sup> Though a precise analytic statement of the term ‘vegan’—or, if you like, of the severally necessary and jointly sufficient conditions that must obtain in order for the term, properly understood, to *refer* (i.e. to some individual or group of individuals)—is difficult to formulate in terms that *all* would accept, a rough and ready definition that most everyone will accept can be given as follows. Generally speaking, ethical vegans hold that non-human animals *are* not (and thus ought not to be *treated* as) mere *resources* for humans: that is to say, as things-to-be-eaten and/or used. In practical terms, this manifests in the avoidance of all animals/animal products in one’s diet; one’s wardrobe; in the cosmetics/hygiene products one uses (up to and including products that may not directly *contain* animal ingredients, but which were nevertheless *tested* on animals); and, finally, in the forms of entertainment one partakes in (e.g. zoos; aquariums; rodeos; circuses, etc.)

<sup>3</sup> And/or, it must be added, on account of their affirming differing, incompatible, or perhaps even incommensurable background moral beliefs, religious worldviews, or philosophies of life.

To help motivate philosophical interest in my target question—as well as to nourish the already somewhat intuitive judgement according to which veganism *is/should be* taken to be a matter over which people can reasonably disagree—Chapter 1 follows two principal aims. The first aim is to provide a critical summary and analysis of the standard argumentative strategies, salient points of contention, familiar objections and replies, etc. that characterizes the debate between ethical vegans (e.g. Tom Regan; Gary Francione; myself) and their critics (e.g. Peter Carruthers; Jan Narveson). The second is to present an account of reasonable disagreement that is at once consistent with our ordinary, pre-theoretic intuitions about what this phrase is generally taken to imply (again, given how we actually *use* it in non-specialized discourses), but which *also* explains how and why it is that veganism, I argue, understood as a moral imperative, actually is *not* a matter over which there can be true reasonable disagreement.

## CHAPTER 2: ETHICAL VEGANISM AND PEER DISAGREEMENT: A NEO-PASCALIAN APPROACH

The initial aim of this chapter is to consider the possibility that ‘reasonable disagreement’ might itself be more felicitously thought of in terms of ‘peer disagreement.’ This is the point at which my argument begins to take its ‘epistemological turn,’ since here the salient question becomes: to what extent, if at all, in recognizing someone with whom one disagrees fundamentally *as* an ‘epistemic peer,’ should one regard one’s own (initial) confidence and conviction (regarding the matter at hand) as shaken, undermined, or perhaps even forfeit? With this problem in mind, Chapter 2 begins in

earnest by considering the vegan-omnivore debate within the context of the first of the two main responses to peer disagreement most often discussed in the literature: namely, the ‘suspension of judgement’ response. Here, exploiting my own original contribution to this debate—which I dub “[a] Neo-Pascalian argument for precautionary veganism”—I show how and why this is, in fact, a tie that vegans win. [Note: the sense in which this approach counts as ‘second-order’ will become clearer as the dissertation unfolds, but for now, suffice it to say that the key point (and merit) behind it is that it does not depend, for its sense, its force, or its success, on those to whom it is addressed *affirming* such paradigmatically vegan first-order propositions as, for example, ‘it is morally wrong to harm and kill non-human animals for food and clothing.’]

Next, I leave the vegan-omnivore debate behind temporarily, and instead undertake to examine, and evaluate, the peer disagreement debate on its own terms. Ultimately, the goal here is to determine whether the suspension of judgment response really is rationally non-optional. My analysis proceeds largely by way of a close reading and critical discussion of the work of—and the *debate between*—Adam Elga and Thomas Kelly, arguably the foremost contemporary defenders of, on the one hand, the ‘equal weight’/‘conciliationist’ view (Elga), and what is sometimes called the ‘steadfast’ or, more often, ‘stick to your guns’ view (Kelly) on the other. Ultimately, I conclude that it is Kelly who, in the end, should be seen as having the upper hand. Finally, I explore the prospects for meaningful argument and conversation (between ethical vegans and



omnivores about animal consumption) *beyond* the point at which each has elected to ‘stick to their [respective] guns.’

### CHAPTER 3: ETHICAL VEGANISM AND ABORTION: A PROBLEM FOR THE NEO-PASCALIAN APPROACH?

Chapter 3 follows two principal aims: the first of which is largely defensive and clarificatory in nature; while the second is considerably more speculative and far-reaching in its implications. Beginning with the former; here I undertake to disarm a particular objection to the Neo-Pascalian approach: specifically, the apparent implication that this approach (unavoidably) generalizes to the abortion controversy as well, thus yielding the strong first impression that anyone who is unsure, or agnostic, concerning the morality of abortion ought likewise to endorse a broadly speaking ‘pro-life’ stance—and for roughly the same precautionary reasons that, I argue, people who are uncertain concerning the ethics of animal consumption should become vegan. (The worry here is thus largely strategic in nature: in short, *whatever* one’s views on the morality of abortion happens to be, should it turn out that ethical vegans who might wish to exploit the Neo-Pascalian strategy in arguing for what I call ‘precautionary veganism’ *must* also endorse this same strategy with respect to the abortion debate, many are apt to conclude that the approach is, quite simply, more trouble than it’s worth.)

Next, having shown why, appearances notwithstanding, the Neo-Pascalian approach actually does *not* generalize to the abortion debate—at least not in *problematic*

*fashion*<sup>4</sup>—I proceed to explore the deeper question of whether ethical veganism *itself* is not, perhaps, committed to an anti-abortion stance. In order to frame, and ultimately answer, this question, I develop and deploy an original ‘possible worlds’ approach, combined with a number of key thought experiments, that together help to explicate the strength, and scope, of the vegan imperative as it relates to the morality of abortion. I conclude by suggesting that the logic of ethical veganism, properly understood, actually *does* have an important bearing on the morality of abortion, although not one that is well described, much less understood, in reference to the facile framing strategies and misleading rhetoric that has long prevailed in this debate. As I will show, a great deal hinges on how concepts like ‘Good Samaritanism,’ on the one hand, and ‘rescue,’ on the other, should be understood in the context of veganism and abortion. With that said, one of the more critical tasks of this chapter will be to provide a close reading and careful examination of Sherry F. Colb’s and Michael C. Dorf’s views on this, as presented in their recent book *Beating Hearts: Abortion and Animal Rights*.<sup>5</sup>

#### CHAPTER 4: ETHICAL VEGANISM AND EPISTEMIC ADVANTAGE: ‘PEER’ DISAGREEMENT RECONSIDERED

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<sup>4</sup> That is to say; it does not generalize in a particular sense that, if the implication *did* go through, surely would, and *should*, worry vegans.

<sup>5</sup> Sherry F. Colb & Michael C. Dorf, Columbia University Press (March 8, 2016)

The fourth, and final, chapter of this dissertation is in some ways a sort of companion piece to Chapter 2, since it revisits much of the same epistemological terrain that I first canvass there—albeit from a very different perspective, and with a very different question in mind. The question that drives Chapter 4, then, is whether (and if so, how) ethical vegans might plausibly, non-arbitrarily, and, to be sure, non-question-beggingly judge themselves relevantly epistemically advantaged relative to their non-vegan interlocutors. The importance of this question, both practical and theoretical, is clear enough; should it turn out that vegans can defensibly reply in the affirmative to this question, then there would seem no longer to be any need for an account such as, e.g., Elga’s *or* Kelly’s, since the disagreement at hand would *not* be properly characterized as one between ‘epistemic peers.’ With that said, although I do suggest here that vegans can and should reply in the affirmative on this score, I hasten to add that since I neither view, nor present, my argument to this effect as a ‘knock-down’ coercive *proof* of vegan epistemic advantage (but, then, nor do I believe such a thing to be possible in any case), my conclusions in this chapter do not, as it were, threaten to retroactively undermine those of Chapter 2. On the contrary; if anything, my conclusions here are meant to *supplement* those of Chapter 2, not *supplant* them; the reason being that the findings of Chapter 2—in particular, the Neo-Pascalian approach itself—will continue to be of interest, and, one hopes, *use*, to those vegans who might prefer to go on conceiving of

their debate with omnivores from within the theoretical framework of epistemic peerhood. Nothing in the account I shall present in Chapter 4 rules this out.<sup>6</sup>

Chapter 4 concludes with an extended discussion of the nature, and various manifestations, of *status quo bias* as this relates to the vegan-omnivore debate. In connection with my explication of this phenomenon—and here I draw heavily on an excellent prior discussion from Sherry Colb<sup>7</sup>—I also provide a frank summary of some of the empirical realities of the dairy and egg industries; these being, to put it mildly, facts with which a great many omnivores, and even many vegetarians, are not especially well acquainted. On that note, I should perhaps add that this section of the chapter is also very much in keeping with something else that I have long thought, and have often said; namely, that at the end of the day, the strongest ‘argument’ for ethical veganism is, quite simply, *the truth*. Granted, as with so much else in ethics, philosophy, and in life, it will be noted right away that this claim is of course subject to disagreement as well. Just so; and yet, if anything, to observe as much is only to further underscore the need for precisely the sort of investigation I am about to provide.

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<sup>6</sup> Put otherwise—and here I make reference to my own account, which I will be setting forth shortly, in Chapter 1—the disagreement between vegans who (like me) in the end favour the findings of Chapter 4 over 2, and those who might continue to favour those of 2 over 4, is a *reasonable* one (at least from my perspective).

<sup>7</sup> See esp. Ch. 4 of her *Mind if I Order the Cheeseburger?: And Other Questions People Ask Vegans*, entitled “Why Not Just Be Vegetarian?” (Lantern Books, 2013)

Finally, this dissertation concludes with my taking an interpretive step back from some of the more ‘strategic-dialectical’ themes that run throughout this project, and exploring, instead, one of the more interesting, and distinctly philosophical, ‘lingering questions’ some might have regarding the Neo-Pascalian approach. Very briefly, this question is: how should we understand the notion of ‘morally worthy action’ in connection with the reasoning—and, therein, the agent-level *motivational profile*—characteristic of precautionary veganism? To help motivate interest in this question, and here I exploit a certain (loose) parallel with a related theme in Kant’s moral philosophy, I begin by sketching an intuitive argument according to which precautionary veganism is to be seen as ‘second-rate’ veganism. Next, and lastly, I counter this argument, and the unhappy (and unfair) evaluative verdict it puts forth, by showing how and why precautionary veganism—more precisely; individual precautionary vegans themselves—should be accorded considerably more esteem and recognition for their (moral) efforts than this label (‘second-rate’) implies. Ultimately, precautionary veganism, though it is plainly not *all the way* veganism (since those who adopt it do not affirm the view that harming animals, unnecessarily, for human benefit, *is* wrong), is nonetheless a significant step in the right direction.

# Chapter 1

## Ethical Veganism and Reasonable Disagreement

The aim of this chapter is firstly to present, in broad outline, the conceptual resources, analytic tools, and general argumentative strategies with which I shall then undertake to investigate—and, ultimately, to defend a particular answer to—the following question: given that (a): ethical veganism, understood as a moral imperative, is manifestly something over which people can and do disagree (i.e. as a matter of brute fact); and given that (b): it is also something over which people can and do *intelligently* disagree (i.e. as matter of their having, or coming to hold, differing philosophical judgments as to where, why, how—indeed, *whether*—one or more of the various arguments for, or empirical considerations adduced in support of, ethical veganism either succeeds or comes up short), ought we to conclude that (c): ethical veganism is *also* manifestly—or perhaps even paradigmatically?—something over which people can and do *reasonably* disagree?

An adequate philosophical investigation of this question demands that we must first undertake the more important task (or, at any rate, the more immediate one) of carefully unpacking, and sizing up, the more general question—or, as some readers may prefer, the more *foundational* question—as to just what, precisely, ‘reasonable disagreement’ actually amounts to, or should be taken to *mean*. A related, if not

inseparable, question that comes to mind here is whether or not reasonable disagreement (granted, definition pending) is even so much as *possible* in cases where the questions/issues under discussion are fundamentally *moral* in character (in particular, where they concern questions that are regarded by at least one—though possibly all—of the parties to the dispute as matters of *justice*, basic rights, moral obligation, and the like). This, however, is a question that arises somewhat downstream of the account I shall be setting forth presently; as such, this is a task we may set aside, at least for the time being. For now, let us return to the primary question that will exercise us throughout this chapter—to wit: *is* ethical veganism, taken as a moral imperative, a matter over which people can (and do) reasonably disagree? Conventional wisdom on this question notwithstanding, my aim in what follows will be to suggest, and to explain why, the proper response to this question is, in fact, ‘no.’ No doubt many readers will find this response surprising; indeed, some may even feel that it is wildly implausible on its face. In view of this, part of my aim throughout the chapter—in some ways, the entire dissertation—will be to assuage these reactions, and to hopefully persuade those who might be disposed to them (or, at least, to some version of them) that, provocative or not, this response is nonetheless philosophically well-founded.

There is a sense in which the question at hand can be seen to run along two different axes—one political; the other interpersonal—each with its own distinct set of concerns. Though interesting and important in their own right (and hence surely

deserving of further study), the potential political implications of my account—regarding, e.g., what, if anything, it might appear to suggest concerning how we should understand, say, ‘public reason,’ ‘deliberative democracy,’ and related notions in connection with animal rights—will not be taken up in this study. Instead, and in order to present my view as clearly and as forcefully as possible, I shall attend primarily to the interpersonal perspective, from which the challenge and driving concern behind our question becomes that of how best to make sense of cases of deliberative moral conflict between individuals *qua* rational agents (as opposed to, say, *qua* ‘political actors’)—specifically, cases of intelligent, and apparently intractable, disagreement between two or more individuals on the matter of veganism.

The chapter is divided into three sections. Our first task will be to begin to make some headway on the foundational question as to precisely what the phrase ‘reasonable disagreement’ implies or should be taken to mean. Though my efforts in this regard will, at this very early stage, inevitably be somewhat tentative, exploratory, and even speculative in overall approach, the hope is that we may nonetheless begin to lay some of the theoretical groundwork for what will become, as the chapter unfolds, a more refined concept. Indeed, much of the work of elaborating this concept will be carried out in a somewhat indirect fashion, with amendments and clarifications emerging *en passant*, as it were, as the result of my efforts to respond to various objections and criticisms that might arise along the way. On that note, I feel I should perhaps pause



briefly to address a natural, albeit crucial, source of potential misunderstanding as to my efforts in this regard; specifically, any potential impression to the effect that my account of what reasonable disagreement is/means is largely (if not entirely) an exercise in, call it, *ad hoc constructivism*. Though the best version of this objection needn't assert that my account is, so to say, stitched together from whole cloth, the basic charge would be that my definition and description of the target notion is nonetheless excessively idiosyncratic, stipulative, and thus, in the end, theoretically suspect. Though there is, perhaps, some justice to the claim that my account is, at least partly, a 'construction,' I would vigorously dispute the charge that it is an *ad hoc* one.<sup>8</sup> On the contrary; the 'raw materials' from which the definition I shall go on to provide is to be constructed are themselves taken from our ordinary, pre-theoretic intuitions about what the term does, and does not, seem to involve *given how we actually use it* [i.e. in non-specialized discourses]. Or so, at least, I will argue. With that in mind, much of what follows in this chapter concerning what 'reasonable disagreement' does, and does not, imply might equally well be characterized in terms of *conceptual analysis*: that is to say, as an exercise in clarification and explanation as to what we (arguably) *already* take it to imply. Broadly speaking, then, mine is thus a pragmatic approach—or, at any rate,

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<sup>8</sup> I would also add that 'reasonableness' itself (to say nothing of 'reasonable disagreement') is notoriously difficult to specify in the abstract, at least with any degree of theoretical precision (or, if one does undertake this task, one inevitably courts controversy, all but immediately, in the wake of one's efforts); as such I submit that my own account is, in the very least, no *more* vulnerable to this charge than the alternatives on offer.

an approach that is a good deal more *pragmatically inclined* than traditionally ‘theoretical.’

The remaining two sections are closely related; first, in section 2, I offer a brief overview and analysis of the debate between ethical vegans and omnivores (or, more generally, that between vegans and non-vegans). The aim of this section is firstly to help impart to the reader (albeit in snapshot form) a better sense of the overall tenor, common argumentative moves, and salient points of contention that characterize this debate—the upshot of which being a strong (first) impression of apparent intractability. An additional aim of this section is to further motivate the already somewhat intuitive judgment according to which this debate stands as a prime example of [a] reasonable disagreement. Next, in section 3, I put pressure on this intuitive verdict by way of an instructive analogy with a similar debate, albeit one whose subject matter, I argue, is *not* something over which people can reasonably disagree. Specifically, I imagine a hypothetical slave-owning society, and suggest that the debate between vegans and omnivores *here and now* can actually be viewed as structurally and substantively similar to that between abolitionists (about human slavery) and defenders of the (pro-slavery) status quo therein. The central claim I undertake to defend here is that the wrongness of non-human slavery (i.e. the exploitation, suffering, and deliberate killing, of ‘food’ animals), like that of human slavery, is *not* a matter over which people can reasonably disagree.

The chapter concludes with a brief discussion of two possible objection strategies to my account of reasonable disagreement, and offers some parting remarks as to how each can be met.

## 1.1 What is ‘reasonable disagreement’? Preliminary remarks

As mentioned above, a useful way to begin to bring this phrase, and the concept behind it, into focus is to attend to how we actually *use* it; by doing so, we cannot help but isolate its *pre-theoretic meaning*. Consider: on the face of it, the qualifier ‘reasonable’ in ‘reasonable disagreement’ would seem to signify a number of different things about the (indeed, any) dispute to which it is used to refer; four of which spring immediately to mind. The first is also, perhaps, the most obvious: namely, the term seems to imply that the disagreement in question was concluded (or, at least, temporarily suspended) in a way that goes beyond the mere fact that the disputants themselves did not, so to speak, come to blows (the extreme case); but also in such a way that they did not come to resent, distrust, or generally dislike one another in the process (a less extreme, albeit still unsavoury case). Simply put, *whatever* it means for a disagreement to be reasonable in kind, it would seem *minimally* to mean that the parties do not withdraw feeling embittered, spiteful, or worse, hostile toward one another.

The second aspect that comes to mind as intuitively conveyed by the term, I would suggest, is that such debates do not, at bottom, hinge on the possibility of one or

the other (or both) of the parties simply lacking some crucial piece of information (and by ‘crucial’ I mean a piece of information that, once presented, would be mutually regarded as decisively settling the matter one way or the other). To be sure, disagreements of this sort may well be *unreasonable* in (at least) the sense of their failing to meet the minimal standard just mentioned above (and, of course, other ways besides); but the mere fact that such a disagreement might meet *this* (relatively low) standard—i.e. the parties conclude their debate (a) without violence, and (b) with their prior regard, or even esteem, for one another more or less intact—does not seem sufficient by itself to merit the term ‘reasonable’ given that, as we are now supposing, the entire dispute is in fact driven by some particular point of epistemic ignorance. In sum, though disagreements such as this may well merit a great many different descriptions—e.g. ‘unfortunate,’ ‘comic,’ ‘hapless,’ or perhaps even ‘tragic’ (depending, of course, on the content, stakes, and circumstances of the particular dispute)—‘reasonable,’ it seems to me, would be quite out of place.

The third intuitive feature of ‘reasonable disagreement,’ I suggest, is the implication that such disagreements are (or, at least, are such that they *could* be) as *intelligent* as they are deep. Granted, at first blush and without clarification the phrase ‘intelligent disagreement’ may be apt to strike some readers as only marginally more illuminating than ‘reasonable disagreement,’ and thus some may wonder whether we have not simply swapped out one decidedly vague expression for another. Fortunately,

clarification is readily available here: by ‘intelligent disagreement’ I mean, roughly, two things: the first is that the disagreement is not simply a foregone conclusion/inevitable by-product of the sheer obstinacy of either, or both, of the disputants at the very outset, but rather is something that is genuinely *arrived at* as the *outcome* of a process of deliberation and conversation; the second is that the *manner* in which the parties deliberate and debate with one another is characterized as much by a shared commitment to good-faith dialogue as it is to (persuasion-oriented) argumentation. This is not to say, mind you, that debates between philosophically or morally opposed individuals about, for example, fundamental moral matters are not, much less *ought* not, to be thought of as aiming, ultimately, at persuasion; rather, it is only to stress that it is often *as* important, if not more important, to ensure that one *listens* to one’s interlocutor at least as much as one speaks to him or her.<sup>9</sup>

The fourth feature, I would suggest, is in some ways presupposed by the third, though it deserves, nonetheless, to be stated explicitly. In short, to say that a particular disagreement is reasonable is, among other things, to implicitly characterize the debate

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<sup>9</sup> A similar point comes from Charles Blattberg, who, in discussing his account of “patriotic democracy” (which he contrasts with *deliberative* democracy), articulates a notion, heavily indebted to Martin Buber, that he terms “patriotic conversation:” very briefly, this is said to involve “a willingness to participate in the genuine back-and-forth—the tactful speaking and earnest listening—that is essential to genuine conversation.” See his paper “Patriotic, Not Deliberative, Democracy” in *Republicanism: History, Theory, Practice*, ed. Christian Nadeau & Daniel Weinstock (July, 2004, Routledge), pp 155 – 172. Above quote taken from p. 161

that led to it as one that occurred between two (or more) *rational agents*. To be clear, by ‘rational agents’ I do *not* mean to refer, or allude, to some hypothetical, idealized, essentially theoretical standard of *perfect* rationality. On the contrary; I mean only to underscore the sense in which the parties to a reasonable disagreement (properly so-called) must be genuinely capable of *reasoning* with one another: i.e. of giving, and asking for, justifications, clarifications, explanations, and so forth *in support* of their particular claims and rebuttals.<sup>10</sup> Indeed, it is this feature, perhaps more than any of the others we have considered so far, that serves to mark the distinction between what we might call, on the one hand, a mere dialectical altercation, and, on the other, a genuine ‘argument.’ In sum, reasonable disagreement is but one possible outcome of an argument between rational individuals (agreement and *unreasonable* disagreement being

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<sup>10</sup> And, indeed, that all of this should take place against a shared—and mutually understood to *be* shared—background of e.g., (respect for) intellectual consistency; a mutual disdain for fallacies; a general understanding of (or at least sensitivity to) the difference between valid and invalid inferences; and so on. Importantly, I am *not* suggesting that one must be explicitly self-consciously aware of any of this—i.e. of the structure, and mechanics, of one’s own rationality—as a (pre)condition of one’s being a party to a reasonable disagreement, properly so-called (much less of one’s *being* rational), any more than I am suggesting that, say, only professional philosophers or logicians are suited to engage in the sort of debate that could result in this. On the contrary; one can be—indeed, most of us are—inferentially competent *bona fide* reasoners without being either of these things.

the others); rational argumentation, however, is the only process from which this particular outcome could emerge.<sup>11</sup>

Though the above-listed four features are, I submit, core aspects that make up our ordinary sense, and actual usage, of the term in question, they are not exhaustive; specifically, they do not go quite far enough. I would suggest that the further feature of (certain) deep disagreements that we often have in mind, and mean to underscore, when we use the term ‘reasonable’ is in fact a *higher-order moral judgment* (albeit one that we often make only tacitly) to the effect that, in view of the intelligent, thoughtful, good-faith debate and rational argument that, at least ideally, characterizes the particular disagreement at hand, in the end both sides (or perhaps *all* sides, as the case may be) should be seen as, so to say, *entitled* to their opinions. Indeed, I maintain that

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<sup>11</sup> Some might object at this point by suggesting that two or more rational persons might well (be said to) reasonably disagree on some matter or other in a purely *dispositional* sense (i.e. some might feel that we do not need rational argument to have actually taken place between them): more precisely, some might point out that there are surely individuals who, though they have not *actually* argued the matter with one another, *really would* disagree reasonably *if* they did. To press this point, then, would be to suggest that reasonable disagreement need not be understood in exclusively ‘actualist’ terms, so to speak; it suffices that the individuals be *disposed* to this outcome—in the sense that, if they *were* to actually argue the point together, they really would reasonably disagree in the end. Though I do not wish to deny that there surely are individuals who really would reasonably disagree on some matter or other, despite the fact that they have not actually argued the matter together; my own view is that insofar as they have not actually argued the matter together, their disagreement is purely hypothetical: that is to say, though it may well be true that they *would* reasonably disagree, this does not mean that they *do*. Put otherwise, two individuals who are (merely) *disposed to* reasonable disagreement in the sense we have been considering so far, do not, by this measure alone, reasonably disagree *with one another*. The reason why I am an ‘actualist’ on this point will become clearer momentarily, as we move to consider what I will suggest is the final, and perhaps the most significant, feature of reasonable disagreement—the feature which, I would add, also underscores the sense in which reasonable disagreement is, I am suggesting, importantly, if not fundamentally, *attitudinal* in nature, consisting in a certain reciprocal regard between disputants.

we should actually go one further here and suggest that a crucial part of what it is for a disagreement to *be* reasonable is precisely that both, or all, parties to the debate must *themselves* affirm this higher-order judgment: that is to say, each of the parties to the dispute must *reciprocally view one another as entitled to their respective opinions*, despite—(or, perhaps, *because* of?)—their being unable to persuade one another of what each nonetheless initially believed, and perhaps *persists* in believing, to be the greater strength, plausibility, merit, or what have you, of their individual positions.

If what I am suggesting rings true, we begin to see how the term ‘reasonable’ actually functions as a kind of *honorific* in ordinary discourse; specifically, it connotes an attitude of interpersonal regard between disputants, in the face of their apparently intractable disagreement, that is characterized as much by an ideal of magnanimity as of toleration. Indeed, toleration is perhaps an ill-fitting notion when considered in reference to ‘reasonable disagreement,’ for consider: just as one cannot, properly speaking, *know* something false, or *remember* something that did not, in fact, happen, neither can one be said to *tolerate* something that one does not, on some level, and to some extent or other, *object* to or *disapprove* of. To ‘tolerate’ something, in other words, is at best to ‘abide,’ ‘suffer,’ ‘begrudge,’ or ‘endure’ the thing in question (e.g. the belief; behaviour; practice, or what have you, that one disapproves of); as such, toleration is an intrinsically negatively pitched concept. This is not to say, of course, that toleration is not a hugely important ideal, or principle, in its own right; on the contrary, our moral



appreciation of the value and importance of toleration is an absolutely integral feature of how it is that social stability is even so much as *possible* in ideologically diverse, modern multicultural societies. The point to be stressed here, however, is merely that toleration is not a key player in the story we are trying to tell about reasonable disagreement. Intuitively, ‘reasonable disagreement’ seems to imply something more, indeed something *richer*, than that the parties to the debate are jointly ‘tolerant’ of one another’s view. Indeed, the ideal in question—that is, the ideal that, on reflection, would seem to underpin the parties’ coming to view one another as ‘entitled’ to their opinions—would seem to be something that more closely resembles what some theorists have dubbed ‘mutual respect.’ For assistance in unpacking this concept, I turn to a particularly instructive passage from Gutmann & Thompson’s *Why Deliberative Democracy?*

Like toleration, mutual respect is a form of agreeing to disagree. But mutual respect demands more than toleration. It requires a favourable attitude toward, and constructive interaction with, the persons with whom one disagrees. It consists in a reciprocal positive regard of citizens who manifest the excellence of character that permits a democracy to flourish in the face of (at least temporarily) irresolvable moral conflict.

Mutual respect manifests a distinctively democratic kind of character—the character of individuals who are morally committed, self-reflective about their commitments, discerning of the difference between respectable and merely tolerable differences of opinion, and open to the possibility of changing their minds or modifying their positions

at some time in the future if they confront unanswerable objections to their present point of view.<sup>12</sup>

Bracketing, for now, their interesting proposal that mutual respect is at the heart of our deepest, and best, understanding of ourselves *qua* morally engaged citizens of modern pluralistic democracies, the chief normative—or better, *aspirational*—ideal that we find in this passage is quite plainly one of, so to speak, *deliberative magnanimity*. Now, taken, for our purposes, as a key part of what it means to actualize a “favourable attitude toward, and constructive interaction with, the person(s) with whom one disagrees,” Gutmann & Thompson’s elaboration of this ideal certainly qualifies as a helpful contribution to our understanding of what it is that we appear to imply, and presuppose, in describing certain cases of deep disagreement as ‘reasonable.’ The difficulty, however, appears to center on the question of how exactly we are to go about specifying, in the abstract, ‘*the*’ difference between, as they put it, “respectable and merely tolerable differences of opinion.” In fact, as we shall see shortly, the salient question here for our purposes actually has far less to do with determining *how* best (if at all) this difference should (can?) be specified with any real theoretical precision ‘in the abstract’ (to say nothing of the equally vexing problem of how any such account could *itself* be non-question-beggingly inoculated against objections to the effect that it,

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<sup>12</sup> Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton University Press, 2004) p-79.

too, is subject to reasonable disagreement<sup>13</sup>), and far more to do with *who* should do the actual specifying. To that end, it will be helpful if we pause to consider the phrase ‘entitled’ more closely—as in ‘entitled to [his/her/their/my] opinion.’ Not to give the game away too soon, but the answer to the ‘who’ question posed immediately above is actually fairly straightforward, for it is, in fact, implicit in much of what we have seen already. Consider: given the fifth feature of ‘reasonable disagreement’ that we have just considered—i.e. the higher-order moral judgment condition that both (or all) parties to the dispute must<sup>14</sup> reciprocally view one another as entitled to their respective opinions—the determination of whether the particular opinions, *vis-à-vis* the matter at hand, are tolerable, respectable, or perhaps neither is in fact always, already (firstly) the task of the individual interlocutors themselves.

For starters, we might simply wonder whether we *really are* entitled to (any and all of?) our opinions, irrespective of their content (and, to be sure, irrespective of the manner in which we acquired them and/or continue to hold them). At first blush, many of us are likely to regard this as a rather strange question indeed: after all, the phrase “everyone is entitled to their opinion” is so deeply etched into our common sense moral vernacular as to have become all but synonymous with what it means to be a tolerant,

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<sup>13</sup> I shall have more to say about this in the opening stages of Chapter 2.

<sup>14</sup> *If* the disagreement is to count as reasonable in kind.

open-minded, non-judgemental person. And yet, does this really mean that—or, better, do any of us *really believe* that—the having, and holding, of opinions is so sacrosanct unto itself, so foundationally important in our lives, that we are each of us entitled to *any and all* of the wide range of these that we might conceivably have and hold? I think not. Indeed, the point is made especially clear in the case of a certain class of moral opinions.<sup>15</sup>

Consider: though it is of course uncontroversial to the point of being banal to observe that racists, sexists, and so forth are not entitled to *act* from, or in the name of, their racist or sexist beliefs, a more interesting question to ask here, it seems to me, is whether or not such individuals are actually entitled *to these beliefs* in the first place. Granted, it is perhaps plausible that there may be cases in which, ‘entitled’ or not, we might nonetheless allow that this particular racist, or that particular sexist, is at least not morally (nor even, perhaps, epistemically) to *blame* for their beliefs (or, at least, where this is neither obvious nor straightforward). People, for example, who are born into extremely racist or sexist societies, and who have (let us further imagine)

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<sup>15</sup> Other examples might include, e.g., an opinion to the effect that this or that randomly selected Harlequin novel is artistically on par with, or better than, *War and Peace*; that  $2 + 2$  does *not* equal 4; or, perhaps more controversially, that evolution is ‘just a theory’ or that climate change is a myth. Importantly, as is also true with respect to the moral opinions discussed above, any or all of these opinions (indeed, *all* opinions) are nonetheless such that one could be *judged* (or, perhaps better, *misjudged*) as entitled to them. The implications of this will be discussed, briefly, in Section 1.4, where I pause to consider a potential objection to my account.

known nothing else throughout their lives, may, it seems to me, at least in principle be said to fall into this category. But even here, it will be noted, we would surely *not* say that such individuals are *justifiably* racist or sexist; even granting that we might nonetheless say that their racist and sexist beliefs are ‘excusable,’ or something similar (although we would, of course, additionally maintain that any and all racist or sexist *actions* or practices that their ‘excusably wrong’ beliefs might enjoin them to commit should be prevented; and, more importantly, that all non-violent measures available can and should be taken to divest them of these beliefs, and perhaps even of the entire worldview from which they derive—i.e. assuming the worldview in question is fundamentally opposed to modification or revision in the relevant respects). The question at hand, however, is crucially different; for here we are asking whether or not such individuals are entitled *to their opinions* [*vis-à-vis*] racial and gender equality. Well, are they? My own view is that they are not. Indeed, I think the same holds even in the imaginary case of someone who, for whatever reason, is sincerely opposed to *acting* from the racist and/or sexist beliefs that they nonetheless take to be true. The salient point is that the beliefs *themselves* just are not worthy of respect; the fact that, in the real world, there tends to be a highly pernicious set of actions and practices that would ordinarily ensue as the practical consequence of affirming these beliefs and attitudes, to be sure, makes them all the more repugnant (and dangerous). This feature, however, is at least analytically separable from the beliefs themselves; my claim is that, even if this separation were somehow possible to achieve in practice, this would still not be enough,

for it would contribute nothing whatsoever by way of *redemptive* effect to the beliefs themselves—on the contrary, these beliefs would be just as morally wrong, indefensible, ugly, etc. as they ever were.<sup>16</sup>

It might be interjected at this point that, far from discharging the explanatory task I just set for myself—namely; that of examining the phrase ‘entitled’ on its own terms—my remarks thus far have, at best, served only to stress the point that certain beliefs are not worthy of respect. Fair enough (one could say), but, alas, this was fairly obvious already, and hence is not terribly illuminating. A related, and more serious, worry that might equally be pressed here would be to suggest that my efforts thus far additionally involve a rather unfortunate conflation of the following two concepts: [these are] on the one hand, what it is for *a belief itself* to be worthy of respect; and, on the other, what it is for *the process by which one comes to have* this (or any) belief to be legitimate. Consider (the objection continues): while it is true that both are evaluative notions, they differ importantly in that the former is a moral assessment of the *content* of the belief in question; while the latter is a value-neutral (or, at any rate, non-moral)

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<sup>16</sup> To be clear, this scenario is a purely thought-experimental one. In fact, it is not entirely clear that we actually can *conceive* of an individual who is, so to speak, a *merely doxastic* racist or sexist: i.e. someone who *merely* believes, and *only* believes, some set or other of racist and/or sexist propositions, but who is, at the same time, eminently, unerringly, egalitarian in *every* aspect of his/her behaviour. Moreover, I entirely accept that a great deal (perhaps even most) of our disapprobation toward *actual* racists and sexists *in the world* is based in the suffering, disadvantage, unfairness, etc. that their racist/sexist behaviour *causes* people to actually experience. My point here is simply to stress that *this* concern is nonetheless not the whole of it.

epistemological assessment of the belief-forming process or mechanism (or, more broadly, of the genesis, or causal history, of how the belief came about in the particular individual in question). This is significant (the objection concludes) because it would seem to imply that, at least in principle, one actually *could* be ‘entitled’ to a belief that is not worthy of respect.

This is an important objection; as such, it deserves a response. More to the point, in responding to this objection, my own account of what it is that we do, and mean, when we judge someone (including ourselves) to be ‘entitled to their opinion’ will be brought into sharper relief. To that end, it will help if we begin by endeavouring to make more explicit the *alternative* conception [of entitlement] that would seem to underpin this objection. To put the salient point metaphorically; to be entitled to a belief, on this view, is roughly analogous to what it is to be entitled to a particular piece of property: that is to say, in order for my claim of *ownership* [over something or other] to be secure—i.e. for the term ‘property’ to properly apply—it must be the case that the means and/or manner by which I came to possess the thing in question do not involve theft, fraud, deception, coercion, manipulation, and so on. I say ‘and/or manner’ here to observe the fact that there are surely a number of different ways in which we come legitimately to *own* various things that do not involve any real effort (i.e. ‘means’) on our part whatsoever: for example, some of our property might simply have been given to us; some of it, indeed, we may have inherited. Now, while it seems clear enough that

the particular sense in which we are entitled to the things we may have come to possess in either of *these* ways (i.e. as being legitimately counted as amongst *our property*) is not one that merits any sort of special praise—after all, the things in question, we are here imagining, were neither purchased, created, nor even found by us—it is also true that this does not merit any blame.

On the face of it, it would seem that the analogy between beliefs and property works in both dimensions. Consider: some of our beliefs are the result of careful attention, thought, and critical reflection on our part, and, in this sense, would seem to merit something like the same recognition as being ‘rightfully ours’ as that which pertains to a wide variety of the different things that make up our non-doxastic (i.e. material) property (to wit; both are forms of, call it, *legitimate possession* because each connects the *claim* that we have on/over the particular thing/belief to our own individual efforts). Some beliefs, on the other hand (perhaps more than we realize), we simply ‘inherit,’ assimilate, or otherwise uncritically/unwittingly take on board in the natural ebb and flow of our overall doxastic economy (that is to say; simply in, and through, our status, and capacities, as epistemic agents, or ‘believers,’ *in the world*). The relevant point here that the objection is meant to stress, however—and which the property analogy is meant to help illustrate—is that so long as one did not acquire the belief in question in a way that essentially involves some form of, so to speak, epistemic malfeasance (whatever one takes this to mean in full), one is, in the very least, ‘entitled’



to it—*whatever* the ultimate verdict turns out to be concerning the *further* [moral] question of whether the belief itself is respectable or not. Simply put; entitlement, on this view, is taken to be a *non-moral* notion.

Against this picture—and in support of what I will suggest is a superior<sup>17</sup> alternative conception according to which ‘entitlement’ is to be understood as a moral *and* epistemological notion—I would begin by noting the decidedly obvious, albeit still important, sense in which the beliefs-as-property analogy just discussed is hardly a perfect one: specifically, I would call attention to the fact that the material (i.e. non-doxastic) items in your possession are such that I (or anyone) might simply *take* these from you. Now, if the item in question is legitimately *yours* (i.e. is part of your property), this is called stealing; if, on the other hand, it is not legitimately yours, then it would be called something else: ‘appropriation’ perhaps, or something along these lines. So far, so good. In contrast, however, no one is, nor ever could be (let us hope!), in a position to literally *dispossess* someone of this or that belief in a manner analogous to my simply picking up and running off with, say, your favourite hat. The most we can ever do in this regard—and, to be sure, the most we *ought* ever do—is endeavour to *persuade* our interlocutor to renounce the particular belief(s) in question. More to the point,

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<sup>17</sup> One respect in which, I argue, my account is superior is that it better captures our ordinary, pre-theoretic understanding of what the phrase ‘entitled to [your/my/their] opinion’ *means* given how we actually *use* it.

however—and this is the sense in which, though not perfect, the analogy remains useful—just as the morally upright among us are not disposed to take (i.e. steal) some item or other that we recognize as rightfully *belonging* to someone else, neither are we likely to go to great argumentative lengths (beyond a certain point, anyway), to dissuade our interlocutor of what we feel is a mistaken view to which we *also* regard him or her as being entitled. More to the point, and as will become clear momentarily, there is an important sense in which, other things being equal, this is actually something that we feel we *should* not do. But first, it will be helpful if we consider one final sense in which the beliefs-as-property analogy is illuminating.

As noted above, material items (obviously) are such that these may be simply taken from us; more interestingly, such ‘takings’ may be legitimate or illegitimate. Consider the following example of how one might legitimately be dispossessed of their property.<sup>18</sup> Imagine an individual, let’s call her Kassidy, whose parents bequeathed the family homestead to her upon their deaths. Now, Kassidy has not really exercised any ‘effort’ *per se* in coming to possess the house; and yet, *that* she does now (legitimately) possess it is clear. Thus far—at time *T1*, as it were—Kassidy’s claim of ownership over the house is roughly comparable to the sense in which someone else, let’s call him Jake, might be said to ‘excusably believe’—also at *T1*—that women are naturally

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<sup>18</sup> I owe this example, and the explanation of its significance, to my advisor, Hilary Bok.

inferior/properly subordinate to men... *on the assumption that* this is a belief that he has uncritically absorbed/inherited purely on account of his family, his immediate sphere of acquaintance—indeed, his entire society and upbringing therein—being deeply and pervasively sexist. Kassidy, then, neither built nor purchased the house in question (in other words; no effort was involved); and likewise Jake expended no *epistemic* effort in believing as he does. Now suppose that, for whatever reason, Kassidy were to allow the house, and the surrounding property, to fall into a state of complete disrepair or even ruin. For the sake of simplicity, call this time *T2*. Other things being equal, this would arguably be a case in which her deed to the property (and thus her claim of ownership) would, and presumably should, become forfeit. In other words, though her initial acquisition of the house at *T1* was legitimate, this does not by itself ensure that her continued claim over it (at, e.g., *T2*, *T3*, and so forth) is inalienable. Now let us return to Jake. Suppose someone were to present Jake with a series of arguments and considerations in support of gender equality, at *T2*. (Suppose these are *strong* considerations and *good* arguments; suppose, in other words, that the arguments and considerations adduced are really no more, and no less, than the actual arguments which have prevailed historically, and which we now recognize as having been instrumental in shaping our contemporary moral sensibilities about gender equality.) Is the fact that Jake's sexist beliefs at *T1* are blameless enough to ensure that they will *remain so*, even in the face of arguments to the contrary? Are these beliefs to which he is *entitled*? Suppose Jake simply ignores, or flatly refuses to engage with, said arguments and

considerations, and instead insulates his sexism in a shroud of dogmatic conviction. What are we to say then? Does this not constitute a form of, call it, epistemic negligence on his part, one which effectively renders Jake, along with his sexist beliefs, an appropriate subject of blame? It would seem so. Jake's actions here, in other words, are the (rough) epistemic equivalent of Kassidy's total abdication of her (granted, very different) responsibilities as a property owner; just as Kassidy lost her initial legitimately acquired property claim, so too Jake has lost his initial epistemic status as blamelessly wrong. And now, to make the point even more vivid, suppose that Jake *did* (sincerely) engage, at  $T2$ , with the arguments and considerations on offer, but in the end, at  $T3$ , held fast to his beliefs all the same. What then? To be sure, Jake's failing in *this* version of the scenario is not epistemic negligence, but, then, neither is it any less serious; on the contrary, we might even think it *more* serious, since here the failing is rather a lack of *uptake* on his part, and, therein, a failure to respond appropriately (i.e. with deference) to the strength of the better argument(s).

The preceding examples help to illustrate three important points: first, the conditions under which one might blamelessly *acquire* an opinion are different from, and less demanding than, those under which one may *continue* to (blamelessly) *hold* one. Second; it is in the very least often the case—and it may very well always be the case—that, in judging some belief or other as not worthy of respect, one therein also appeals, whether explicitly or implicitly, to *some* (perceived) epistemic failing or other on the

part of the believer<sup>19</sup> (e.g. a dogmatic refusal to consider alternative views and counter-arguments; or perhaps the simple, though no less serious, case in which one is judged to have given credence to *bad* arguments—or at least *worse* arguments—and thus as having failed to recognize the strength of *good* ones—or, at any rate, of *better* ones). Third; to judge that someone is entitled to their opinion is not merely to judge that they may not (or better, should not) be blamed for it, *full stop*—i.e. no further description given (consider, again, Jake’s beliefs at *T1*); rather, it is to judge that the individual has satisfied a certain threshold criterion of *respectability and defensibility* (these being, so to speak, two sides of the same coin) in believing as they do.

With the above remarks in view, I am now in a better position to state precisely why, and how, I am inclined to resist the charge that I have unhelpfully conflated two distinct concepts. Granted, it is surely true that the two concepts themselves—i.e. what it is for a belief itself to be worthy of respect; and what it is for the process/mechanism

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<sup>19</sup> Put otherwise, the question here is whether we can really make sense of the possibility of someone’s belief that-*P* being epistemically absolutely beyond reproach, even while *P itself* is not worthy of respect. It seems doubtful that we can. Note, however, that this is *not* to say that all epistemically suspect beliefs are thus, by that measure alone, not worthy of respect (imagine, e.g., someone believed that men and women should be regarded, and treated, as moral equals *because the sky is blue*. This would, to say the least, be an epistemically dubious belief, and yet the belief *itself*—i.e. prescindng from the explanatory ‘because’ clause—is surely worthy of respect). Rather, it is only to say that for most, perhaps all, beliefs that are judged to be *not* worthy of respect, the full explanation of why this is so will presumably, at some point, invoke one or more epistemic shortcomings on the part of the believer(s) (e.g. a perception, on the part of the one who is doing the judging, that there simply are no good arguments, or defensible reasons, in support of the belief in question). Notice, too, the corollary of this: which is that for any dubiously held respectable belief (like the one in the example above), there will presumably be non-dubious—i.e. well-founded, well-reasoned—justificatory support that *could* be brought to bear in its defense.

by which the belief was formed, and the manner in which it is subsequently held, to be legitimate—are, in the very least, analytically distinct. Hence, if nothing else it is surely helpful to at least prize them apart and state them individually. In this sense, then, the objection is well-taken. Moreover, each concept really does single out its own distinct target for assessment: namely, the belief itself *contra* the means/manner by which one comes to *have* and *hold* the belief. This, too, is helpful to have in view. That said, the reason my account is not aptly described as an uncritical, or unhelpful, conflation of the two is because both are, on my view, essential components that *jointly* account for what it is that we *do*—indeed, what it is that we *mean*—when we judge our interlocutor to be entitled to their opinion: that is to say, we judge that (a) the opinion in question was neither formed, nor subsequently held, in such a way as to mark it off as being epistemically suspect (as *would* be the case if, e.g., the belief itself, and the manner in which one holds it, is the result of a logical error, an unnoticed fallacy, misinformation, cognitive bias, or something of the sort); and, moreover, (b) that the opinion is itself respectable. In fact, we do more than this. In judging our interlocutor’s dissenting opinion as one to which s/he is entitled, we (c) implicitly concede that a certain *deference* is in order. Indeed, this deference, it seems to me, is often precisely what we have in mind when we attend to the related phrase ‘agree to disagree’—although *not*, mind you, in the purely instrumental/perlocutionary sense in which we sometimes *use* this phrase as little more than a ploy to (hopefully!) extricate ourselves from a debate that we feel

is going nowhere (or worse, is going in circles); has lost its steam, or its focus, etc.<sup>20</sup>; but, rather, in the more *elevated* sense in which we judge the disagreement at hand as being, in the end, one of mutually examined principle, well-founded conviction, or something of the sort. This is, it seems to me, the essence of what it is to judge the difference of opinion that divides us from our interlocutor as *respectable* in kind, since this presupposes that we judge our interlocutor's opinion as itself worthy of respect. In sum, to judge, upon reflection and the culmination of the debate, that the dissenting opinion of your interlocutor is nonetheless worthy of respect, is to judge that the opinion itself is *wrong* (misguided, unfortunate, etc.) *albeit in a very specific sense*; namely, the sense in which, though s/he is ultimately mistaken (by the lights of one's own contrary view, anyway), your interlocutor nonetheless holds their (mistaken) opinion non-dogmatically, on the basis of reasons and argument which are non-*ad-hoc*, not *obviously* false, and, indeed, which are appreciably compelling (albeit, again, ultimately flawed). Returning to the earlier point about 'deference;' in judging our interlocutor to be entitled to their view, one therein also accepts that there is something about the view itself, along with the means and/or manner by which s/he has come to hold it, such that, beyond a certain point, it would be morally inappropriate, or at the very least unseemly, to persist in

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<sup>20</sup> Indeed, this phrase is also sometimes used as a pre-emptive strategy to avoid participation in a debate that we would rather not be drawn into. This is not what I have in mind either.

one's efforts to argumentatively dissuade them of it. Note that I do *not* mean to stress the comparatively banal, and essentially *practical*, point that, absent some common reserve of herculean stamina possessed by each of the disputants, virtually *any* unresolved, and apparently intractable, disagreement will, at some point or other, reach a point beyond which the debate really cannot (and should not) be fruitfully continued (at least not without some unspecified recess period). While this is no doubt true, it is also not especially interesting—much less philosophically significant. On the contrary; the point I am emphasizing here about ‘deference’ is intended rather to capture the moral intuition that, while not necessarily ‘immune’ or ‘invulnerable’ to continued criticism *per se*, in judging our interlocutor’s mistaken opinion as one to which s/he is entitled, we do tend to feel that it enjoys (and perhaps deserves) a certain, as it were, ‘protected status’ as something that s/he may blamelessly continue to believe indefinitely.<sup>21</sup> Conversely, to judge that one’s interlocutor is *not* entitled to their view, *in the sense that* the view itself is *not* taken to be worthy of respect, is to judge that, although it is surely true that, for the essentially practical reasons mentioned above, there will inevitably come a point (or, more accurately, many different points) at which the debate should ideally be temporarily suspended, it is also true that the debate can,

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<sup>21</sup> At least until such time as new arguments and/or considerations may be brought to bear.



should, and perhaps even must ultimately be resumed—in particular, until such time as your interlocutor has at last given up the offending (mistaken) belief.

The practical upshot of the preceding account, then, is as follows: to judge that a disagreement is reasonable [in reference to the various conditions just outlined] is in the very least to countenance—although it is also often to implicitly recommend—that the debate in question be halted indefinitely. On the other hand, to say that a disagreement is *not* reasonable—specifically in the sense of its failure to satisfy the fifth condition—is to observe that, according to at least one, though perhaps both, of the parties to the dispute, the debate can, should, and perhaps even must be continued.<sup>22</sup>

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<sup>22</sup> Note that I am *not* saying that reasonable disagreements *will* always, much less *must*, be halted indefinitely, any more than I am saying that *unreasonable* disagreements are the *only* kinds of disagreements that should be actively continued. A disagreement can be reasonable in the sense I have just outlined and yet still be such that the participants are inclined, and perhaps even eager, to press forward with their debate. Nothing in my account rules this out. The crucial point is that, insofar as both parties reciprocally view one another as entitled to their respective opposing views, the earnestness, stakes, and overall character of the debate going forward will be importantly different—indeed, lessened—in comparison with that which would obtain with respect to an alternative analogue of the same debate in which one (or both) of the parties does *not* regard the other as entitled to their view. Again, though the parties to the reasonable disagreement might well be eager to continue their debate, the particular *investment* in the debate that each has going forward is largely, if not entirely, *intellectual* in nature. After all, if, by one's own lights, your interlocutor is entitled to their view—i.e. it is epistemically well-founded *and* worthy of respect—what does it really matter if s/he never actually comes around to renouncing theirs and affirming yours?

Before we conclude this section, I would like to briefly offer two further points of clarification about the account of entitlement I have just sketched: first, in judging that one's interlocutor is not entitled to their opinion on some matter or other, one does not thereby/by that measure alone automatically ascribe moral or epistemic blame to him or her for believing what they do. Again, as was mentioned earlier, there could well be mitigating factors (e.g. concerning the circumstances of the individual's upbringing, the prevailing norms of their society, etc.), or, more simply, the opinion itself might be such as to have been merely inherited, or otherwise uncritically assimilated; in which case, we might think, he or she very literally *knows not why* they believe what they do. That said, one cannot blamelessly believe something false, or indefensible, forever; or, perhaps better, one cannot, and should not, refrain indefinitely from ascribing blame to someone for believing something false, or indefensible—particularly once the individual in

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Finally, it is plainly true that not all unreasonable disagreements are such that they actually *will* be continued; after all, my regarding your view as one to which you are not actually entitled in no way ensures that you will feel the same toward mine. In this case, my wish to press forward with the debate may strike you as indelicate or even churlish (e.g. as a failure of reciprocity on my part); and you may simply want no part of it. The point, however, is just that unreasonable disagreements arise from debates that *ought* to continue—or, more accurately, from debates which are judged by one, or both, of the participants as being such that, ideally, they *should* be continued. This, then, is one of the central differences, in terms of the felt sense of investment, between reasonable disagreements whose participants wish to continue their debate, and unreasonable disagreements whose participants wish the same: the former are such that the continuation of the debate is regarded as optional (possibly even supererogatory); the latter are such that the continuation of the debate is regarded as all-but necessary. (It is also, of course, entirely possible—in truth, it is probably quite common—for the parties to a disagreement to continue their debate indefinitely, but wherein one judges the disagreement at hand to be reasonable, while the other does not. Such disagreements, however, are not reasonable according to my account, since the higher-order reciprocity condition is not satisfied therein. I discuss this further toward the end of Section 3.)

question has been made amply aware of the poverty of their view, and of the evidence and argument(s) s/he wrongly believes supports it.

Second—and speaking mainly from the standpoint of appearances and, as it were, dialectical conduct—to deny that one’s interlocutor is entitled to their dissenting opinion(s) is to make *a very strong judgment indeed*; as such, this is not one that anyone should make lightly—but nor, it seems to me, is it one that many of us ever *do*, or *would*, make lightly. On the contrary, given the implications of this judgment—in particular, the sense in which, at least at the level of principle, it enjoins us not merely to *not* defer to what for lack of a better term we might dub our interlocutor’s ‘prerogative’ to be wrong; but, indeed, to strive actively, and continually (within reason, of course), to persuade them *out* of this belief—this is likely the sort of judgment that we will find ourselves making when, and perhaps only when, we believe our interlocutor is not simply ‘wrong’ but, rather, *deeply wrong*—particularly as regards moral matters.

Let’s take stock. To say of some particular disagreement that it is ‘reasonable’ in kind is, among other things<sup>23</sup>, to say that each of the parties to the dispute regards the other(s) as *reasonably rejecting* the view (claim, argument, proposal, etc.) that they individually put forth but, in the end, were unsuccessful at persuading the other(s) to

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<sup>23</sup> The ‘other things’ being the first four features already discussed.

adopt—and to say that a position, or claim—say, *P*—is/was ‘reasonably rejected’ *in this sense* is to say that opinions *to the contrary* of *P* are opinions to which the disputant who is arguing *on behalf of P* nonetheless judges their dissenting interlocutor as *entitled*. The importance of this essentially ‘other-regarding’ mutuality aspect of the fifth criterion of reasonable disagreement will be brought to the fore shortly when we move to consider a series of examples in which it is *not* satisfied. (Briefly, however; we may note that its significance concerns the fact that moral disagreements can at times be such that one regards *oneself* as reasonably rejecting an opponent’s view—paradigmatically, as stated above, a view one regards as *deeply* wrong—whilst at the same time regarding the opponent’s rejection, in turn, of one’s own view as *unreasonable*, in which case the disagreement at hand is not itself reasonable. We will return to this below, in section 3.)

Finally—and granting that the following is not something that I have really ‘argued’ for *per se* (nor will I)—it is true that I have also suggested that it is actually *not* the case that, as an absolute matter, people are entitled to any and all opinions. There are opinions to which we are entitled (e.g. that Vaughan Williams’ 5<sup>th</sup> symphony is more lovely than his 4<sup>th</sup>—and vice versa; that race and gender are morally arbitrary factors *vis-à-vis* one’s entitlement to fundamental concern and respect; etc.); there are opinions to which we are *not* entitled but which, perhaps, we may nonetheless be *temporarily excused* for holding (e.g. that homosexuality is wrong, *assuming*, for

illustration's sake, the socio-cultural environment within which, and *because* of which, this view is instilled is deeply, rigidly, and pervasively heteronormative); and, finally, there are opinions to which we are *neither* entitled *nor* excused for holding (e.g. an opinion to the effect that rape is sometimes justifiable). The question of the moment, of course, is where on this list—or, perhaps better, this *spectrum*—does ethical veganism reside (and, to be sure, whether this too is a question over which people reasonably disagree). At the most general level, then, the *theoretical* challenge this question can be said to pose would seem to be that of determining whether, in absolute terms, the difference of opinion that characterizes the vegan-omnivore debate is a respectable or merely tolerable one (or perhaps neither?). As it happens, *this* question is not one with which we must immediately concern ourselves. Prescinding, then, from this theoretical challenge, the more pressing, and decidedly more pragmatic, question for our purposes, rather, is how do vegans and omnivores *themselves* judge the difference of opinion that divides them; the reason being, as we have just seen, that for the purposes of determining whether a particular case of disagreement is reasonable or not, this is always the first (and often the last) question we need ask.<sup>24</sup> Before we will be in a position to fully engage with this question, however, we must first familiarize ourselves, in broad outline, with the vegan-omnivore debate itself. I turn to this task now.

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<sup>24</sup> Assuming, that is, the four other conditions (previously discussed) are also met.

## 1.2 Setting the stage

The debate between ethical vegans and omnivores can be aptly summarized in reference to the following question:

Absent life-or-death need, or some other comparably construed case of obvious urgency, is it ever morally justifiable for humans to use non-human animals, in ways that are harmful to them, for our purposes (e.g. for food, clothing, entertainment, drug-testing, etc.)?

To be sure, the arguments, and counter-arguments, on either side are various and oftentimes quite complex; suffice it to say, however, that ethical vegans answer “No;” while omnivores answer “Yes.”

The vegan’s opening move in this debate is typically (and appropriately) to appeal to a principle like the following—a principle which, I submit, is as foundational, and virtually axiomatic, as any we are likely to find in ethics: to wit, *it is prima facie seriously morally wrong to (knowingly) cause harm*. Since most everyone already affirms this principle (or something like it), the vegan’s next move is to suggest that from this principle we may additionally derive the following practical directive: namely, [that] *one should not (knowingly) cause harm unnecessarily*. Now, since the second (practical) claim is all but analytically contained within the first claim already, the vegan will not ordinarily encounter resistance at this stage. What happens next, of course, is another matter. “Consider” (the vegan might say): “since we both agree that it is presumptively wrong to cause harm—and given that the myriad ways in which humans have long

exploited non-human animals (e.g. for food, clothing, entertainment, etc.) *is* (a) harmful and (b) not necessary—it follows that we ought morally to refrain from any and all such practices. More to the point, since the material relation in which we stand to these immoral practices is firstly mediated by our capacity, as consumers, to either lend, or withdraw, our individual economic support to the industries which conduct, and profit from, them, it follows that, at a bare minimum,<sup>25</sup> we should withdraw our support from them by becoming vegan.” This, in brief, is what is commonly referred to as “the argument from (no) unnecessary harm”—the most concise, and forceful, articulation of which, I submit, is provided by Gary Francione and Anna Charlton in their important book *Eat Like You Care: An Examination of the Morality of Eating Animals* (2013), which deserves to be quoted at length:

We are going to defend a simple proposition:

If animals matter morally at all, we cannot consume them or products made from them and we are committed to a vegan diet, or a diet of vegetables, fruits, grains, beans, nuts, and seeds, and excluding all meat, fish, milk, cheese, other dairy products and eggs.

We are *not* going to present a general argument for animal rights. We are *not* going to defend the notion that animals and humans have equal moral value. We are going to focus on two principles that you and everyone else already accept and we hope to demonstrate that, based simply and solely on these two principles, we cannot justify consuming animal products. These principles commit us to a vegan diet.

These principles, which are widely-shared moral intuitions and constitute our *conventional wisdom* about animal ethics, are as follows:

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<sup>25</sup> “Whether or not [the vegan might add] we elect also to ‘go one further,’ so to speak, and actually *advocate* for non-human animals by *promoting* veganism as best we can (e.g. amongst our personal, familial, and/or professional sphere of acquaintance).”

The first principle is that we have a moral obligation not to impose unnecessary suffering on animals.

We could, of course, have an interesting and lengthy discussion about what “necessity” means and when suffering or harm is necessary. But determining what necessity means as an absolute matter isn’t necessary for our purposes. All that is necessary is that we all agree on what is *not* necessary: we all agree that it is not necessary to inflict suffering on animals for reasons of pleasure, amusement, or convenience.

[and further down, they continue:]

... [T]he second principle is that although animals matter morally, humans matter more.

... [I]t really doesn’t matter why most of us think that humans matter more and it doesn’t matter whether that idea can be defended. We’ll just assume that it’s true. ...

So let’s recap. We maintain that our conventional wisdom about animals is:

1. We have a moral obligation not to impose *unnecessary* suffering on animals; suffering imposed for mere pleasure, amusement, or convenience is, by definition, unnecessary.
2. Animals have some moral value but humans matter more than nonhumans; in a situation of conflict between a human and an animal, the animal loses.

We will not challenge these widely-shared moral intuitions. We’ll leave them in place and we’ll show you that if you agree with them, they compel you to stop consuming animal products without even thinking about animal rights, much less embracing that notion. In sum, we hope to persuade you that what you already believe commits you to a plants only—or vegan—diet. (pp. 1-4)<sup>26</sup>

Granted, it is not always (and perhaps not even often) the case that vegans will be in a position to articulate the “no unnecessary harm” argument in anything like the full-form version that we find here *at the very outset of the debate*; more likely, this is something

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<sup>26</sup> To be sure, taken, as it is, from the very beginning of their book, this passage is essentially a mission statement of the argument to come, as opposed to the argument itself; but even so, it is likely that one can already glean a substantial sense of the argumentative moves they will go on to make; of the objections they will have occasion to consider therein; and, ultimately, of the responses they will provide. This is not surprising; on the contrary, this is precisely what one would expect of an argument that appeals to convictions one *already* holds.



that will emerge, gradually, in response to various objections from one's interlocutor. For example, the strategic concession that non-human animals might not have 'rights' after all—this being, as Francione and Charlton see it, a non-essential point of contention for the purposes of persuading one's interlocutor to *become* vegan—is more likely to occur (if at all) only after the omnivore has raised some challenge or other as to the cogency, or cross-species exportability, of the very *concept* of 'rights' in reference to non-humans (or, more charitably, in reference to *non-rational* beings<sup>27</sup>). Similarly, the claim that human and non-human animals do not matter (morally) *equally*—or, more precisely, that human animals matter *more* than non-humans—is often a clarification that comes

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<sup>27</sup> Although note that this is *by no means* a concession that vegans are *obliged* to make; on the contrary, one could instead respond here by adverting to the familiar distinction in ethics between moral *agents* on the one hand, and moral *patients* on the other. Very briefly; a moral agent is a rights-bearing being who possesses the necessary cognitive capacity (roughly, *deliberative rationality*) so as to be the appropriate subject not merely of certain basic entitlements (e.g. not to be enslaved), but also of obligations (e.g. not to enslave others). In other words, a moral agent is a being whose actions are the proper subject of moral appraisal. A moral patient, on the other hand, is a rights-bearing being who lacks the necessary cognitive/rational capacities needed in order to be an appropriate subject of moral obligations (indeed, of moral responsibility generally), but who nonetheless retains the entitlements. Importantly, this is not a distinction that animal ethicists (or ethicists generally) have simply 'invented,' as it were; rather, it is a notion that we all already understand, employ, and respect in the case of human beings. In particular, we all already understand and accept that children, and human beings who are severely cognitively disabled, are nonetheless subjects of moral concern, deserving of fundamental respect—regardless of their inability to reciprocate the obligations that others owe to them. Such individuals, we may say, are moral patients with rights. Now, if we allow that rationality (of the sort we are presently considering) is *not* a necessary condition of having fundamental rights *in the human case*, how (short of simply asserting our brute species primacy), can we (cogently) maintain that its (presumed) absence in the case of non-human animals disqualifies them from membership in the community of rights-bearers? Absent a compelling (non-arbitrary; non-question-begging; non-speciesist) justification for this double standard, the proper conclusion would seem to be that non-human animals, like children and cognitively impaired humans, should likewise be counted as rights-bearing moral patients—or so, at least, the vegan could argue.

only after the omnivore has presented the vegan with what they perceive to be a consistency-threatening hypothetical dilemma of one form or another (e.g. of a “save the human or the non-human; but not both!” variety). I include this lengthy excerpt from Francione and Charlton as much to help expedite our progress through these preliminary stages of the debate as for its elegance and force.

Now, in view of the strength, scope, and perhaps even the unexpected simplicity of this argument—to say nothing of its level of ambition and radically personal success conditions (namely; *lifestyle transformation* on the part of those to whom it is addressed)—omnivores, naturally enough, may, at least at first, find themselves at something of a loss as to how to respond. Part of the explanation for this, I would suggest, is simply owing to the fact that omnivorism is, and has long been, the dominant consumptive orientation in our society—indeed, so much so that it is seldom even so much as thought of in these terms, but, rather, is generally regarded as *natural* and, thus, *normal*. Indeed, moral considerations aside, the practice of eating animals—and products derived from (that is to say; *at the expense of*) their bodies—is, by the lights of the omnivorous majority, so *normalized* as to have become almost entirely *unnoticed*

in one’s daily routine.<sup>28</sup> Against this picture, ethical veganism, by its very nature, dares to dissent from—and, by that measure alone, *problematizes*—a great many of the deeply held, if rarely examined, norms, assumptions, and attitudes in our society concerning our treatment, use, indeed our overall *conception* of non-human animals. As such, as unsettling and unfamiliar as the omnivore’s (first) encounter with the “no unnecessary harm” *argument* can be, it is arguably even more unsettling and unfamiliar to find oneself in the position of having to actually *respond* to it—on pain of having either to give up one’s omnivorism and become vegan; or else persist in one’s diet and lifestyle, but with the decidedly uncomfortable knowledge that this *may well* be at odds with one’s *own* ethical convictions. What, then, are the omnivore’s prospects for meeting this task; for discharging this unfamiliar justificatory burden? One thing, at least, seems clear enough:

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<sup>28</sup> Few omnivores, I would suggest, are explicitly, self-consciously mindful of the violent causal history *behind* the products that they regularly consume—in the very least *while* they are consuming them; but also, it seems to me, in general—and for obvious reasons. This is *not* to say, mind you, that omnivores are utterly *unaware* of the truth behind the products they consume; rather, I mean only to stress that the omnivore’s practical indifference to this is, it seems to me, greatly enabled by the fact that our society is structured in such a way that one is required to all but go out of one’s way to find information about this. Now, given that, as a general feature of our psychology, it is much easier to simply avoid thinking about such uncomfortable matters when one’s environment is such that one is seldom presented with *reminders* of them; omnivorism—bolstered by the ‘out-of-sight; out-of-mind’ phenomenon—is certainly the path of least resistance. To better appreciate this, consider the sense in which this relative lack of active reflection and critical attention—regarding the welfare, and fate, of the animals whose flesh, or secretions, one is consuming—is, on the one hand, *commercially encouraged* (i.e. by the *non-transparent* nature of the industries who exploit non-humans; organizations which, it must be stressed, understand *very well* that to openly advertise the precise operations of their industries would be bad for business); and, on the other hand—and as I have been striving to articulate above—*socio-culturally reinforced* as well (i.e. by the relatively unconscientious consumption habits of the mainstream public, the vast majority of whom would very much prefer *not* to know the *whole story* about where our ‘food’ comes from). I shall explore the epistemic importance of these points in some depth in Chapter 4.

few omnivores, it seems to me, would, on reflection, seriously undertake to deny that the myriad ways in which we routinely use non-human animals for our benefit *harm* them. On the contrary; no intelligent person seriously doubts whether non-human animals are capable of experiencing pain or other aversive mental states; and while it is true that some of us are more familiar than others with the miserable lives and brutal deaths of the literally *billions* of domesticated ‘food animals’ that we exploit, each year, in modern animal agriculture, it is doubtful that many (or even any) of us can truthfully claim complete ignorance of the fact that these beings *suffer*. In view of this, the omnivore’s challenge, it would appear, is to somehow justify the claim that the “no unnecessary harm” principle, legitimately authoritative as it no doubt is *for human beings*, is nonetheless *radically domain-specific*, terminating, or at least greatly receding in force, at the boundary of the human species. In other words, the omnivore must provide some account of *how* it is—assuming, as omnivores do, *that* it is—that the unnecessary suffering and death of, e.g., a slaughtered (or *soon-to-be* slaughtered) cow, pig, or chicken is in fact *not prima facie seriously morally wrong*.<sup>29</sup>

One possible response (albeit not an especially compelling one, to be sure) would be to assert a kind of ‘just-so’ claim about our ‘natural right’ (or something along these

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<sup>29</sup> Assuming, of course, that he or she elects (surely wisely) *not* to argue that the suffering and death that we inflict on non-human animals in order to consume them, and products derived from them, actually *is* ‘necessary.’

lines) to use non-human animals for our benefit—*up to and including* in ways that are harmful to them. The claim here, at bottom, would be that we actually are *not* morally required to establish that the suffering and death of non-human animals is (strictly speaking) ‘necessary’ as a condition of our being justified in eating, wearing, or otherwise using their bodies; this is simply setting the bar too high. All that is required, rather, is that we have an *interest* in using them in some such way. Moreover, since non-human animals are not members of ‘the moral community’<sup>30</sup>, their suffering makes no direct moral claims on us.<sup>31</sup>

Now, to respond in this way, of course, isn’t so much to *argue* against the vegan, as it is to flatly *reject* the entirety of their position (indeed, almost out of hand). In any event, the vegan response to this sort of move, I submit, is clear enough; for it is simply to point out that claims about what is, and is not, (commonly) believed to be ‘natural’ need not (and often do not) have anything whatsoever to do with what *is* morally right or wrong. Racism, sexism, and even human slavery, for example, are all things which, at one time or another, were regarded as ‘natural.’ Indeed, if history has taught us

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<sup>30</sup> Granted, without clarification and further elaboration, the exclusion of non-human animals here will seem arbitrary and theoretically unmotivated. Hence, our next task will be to consider a more sophisticated, principled account from the omnivore concerning (a) what ‘the moral community’ actually *is*; and (b), *why* non-human animals are not members of it.

<sup>31</sup> As many readers will no doubt observe, the nearest, or, at any rate, the most closely allied, theoretical position to this response strategy is arguably that of (what is sometimes called) ‘rational egoism.’

anything, it is that our attitude toward socio-culturally grounded/behaviourally normative claims that are defended as being ‘only natural’ should actually be one of immediate suspicion.<sup>32</sup>

A more promising, and certainly more sophisticated, response strategy from the omnivore would be to shift the stage somewhat (at least initially) to a more general discussion about the nature of morality itself. In particular, the omnivore might appeal to the foundational idea behind a particular theoretical approach in moral philosophy known as ‘contractualism.’ Very briefly, contractualists hold that our very conception of morality is ultimately the product of human construction; specifically, moral rules,

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<sup>32</sup> Note, also, that we might object to this line of response by observing that it would seem to grant moral license to our harming non-human animals not *merely* in the various familiar ways in which we have long taken ourselves to have an ‘interest’ (e.g. for food, clothing, entertainment, medical testing, etc.), but, indeed, in *any and all ways* in which (some)one might have *any* interest whatsoever: e.g. pouring gasoline on a cat and setting her on fire purely for the sake of personal amusement. Granted, an advocate of this response strategy could, and presumably would, further respond by stressing that, e.g., these are ignoble, or even repugnant, interests, based solely in one’s individual predilection for, and appreciation of, wonton cruelty. Moreover, one would likely further stress that an integral part of what it is that we (rightly) object to, and worry about, when we condemn such actions is the possibility, or even likelihood, that the individual who seeks to carry them out might well ‘graduate,’ as it were, to violence against other human beings. This appears to be the view of at least one well-known philosopher; Jan Narveson (See esp.: <http://www.veganise.me/philosopher-argues-that-the-torture-of-animals-for-food-is-justified> See also his “Animal Rights,” in *The Canadian Journal of Philosophy* 7, No. 1 (March, 1977)) Notice, however, what the advocate of this view *cannot* say; to wit, s/he *cannot* say that the individual in this example has morally wronged *the cat*, or failed to honour a (basic) moral obligation to not (knowingly) cause pain to an experiential being who is capable of suffering. The ‘wrongness’ of the act, on this view, is entirely a feature of (a) our socio-culturally-based judgments about what sorts of animal-harming interests are, and are not, worth having/cultivating; and (b) what we imagine to be the possible future consequences *for humans* of allowing such acts to go unchecked and unchallenged. There is, however, on this view nothing *intrinsically morally wrong* in this example with what is done to the cat, viewed as an act unto itself.

principles, norms, and the like are things that we are both responsible *to* and *for*. The general idea behind this approach is that morality should be understood as the outcome of a kind of hypothetical, idealized process of deliberation amongst rational agents, whose collective aim is to determine the best principles by which to organize, and regulate, behaviour in society. There are, to be sure, a number of different contractualisms on offer; some of which, no doubt, are more plausible than others. This is not the place to mount a careful investigation of the various theoretical flavors of contractualism that omnivores (and, for that matter, ethical vegans) might choose from; for our purposes, it will suffice to note a recurring feature of many of the more prominent of these: I am referring, of course, to the notion of a ‘veil of ignorance.’ This notion was first introduced by Rawls, and refers to the idea that, in order to ensure fairness in the deliberative process, the deliberating parties should be barred from knowing their individual race, gender, social status, earning power, religious affiliation, life-plan, and so forth. Clearly, this is not intended to be taken literally, for it is not an epistemic requirement that anyone could *actually* satisfy; this is not the point. The ‘veil of ignorance,’ rather, is a normatively-pitched heuristic device—a thought-experimental model of what, on reflection, we imagine a hypothetical ‘original position’ of fairness to look like. The idea, then, is that we *should*, so far as we are able, strive to reason with one another (about matters of basic justice) in accordance with this restriction, since the particular facts

and features (of persons) about which we are to imagine the hypothetical deliberating parties are ignorant are *arbitrary from a moral point of view*.<sup>33</sup>

Though there is surely much to admire in the contractualist picture (not least of all Rawls's veil of ignorance device), Tom Regan, one of the foremost defenders of animal rights, has suggested<sup>34</sup> that it is in fact morally arbitrary and, indeed, theoretically unmotivated, to not include *species membership*, along with race, gender, etc. amongst the list of characteristics that the hypothetical deliberating parties should be barred from knowing about. More to the point, if this *was* included, he argues, non-human animals would almost certainly be accorded roughly the same *basic* rights (e.g. against being enslaved, tortured, experimented on, killed...) as human beings, once the veil is lifted. Thus, as he sees it, contractualist theories that include (some version of) the veil of

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<sup>33</sup> By which is meant, roughly; the social and personal advantages and disadvantages that one (undeservedly) inherits (or, indeed, does not inherit) from the 'natural lottery.'

<sup>34</sup> Tom Regan, *The Case for Animal Rights*, (University of California Press, 2004), See esp. pp. 163-174



ignorance device, but exclude species membership from the list of morally irrelevant<sup>35</sup> characteristics, are speciesist<sup>36</sup> and question-begging<sup>37</sup>.

Peter Carruthers, a prominent contractualist thinker, has tried to disarm Regan's objection by suggesting that the objection rests on a fundamental misunderstanding of Rawls's project (if not of morality itself); indeed, as he puts it, the real problem with Regan's objection is that "it would destroy the theoretical coherence of Rawlsian contractualism."<sup>38</sup> Carruthers explains,

As Rawls has it, morality is, in fact, a human construction... [M]orality is viewed as constructed *by* human beings, in order to facilitate interactions *between* human beings, and to make possible a life of co-operative community. This is, indeed, an essential part of the governing conception of contractualism. It is crucial to its explanation of how moral notions can arise, avoiding the excesses of intuitionism and strong objectivism. It is also presupposed by contractualist accounts of the source of moral motivation, whether in the Rawlsian version (to

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<sup>35</sup> ... morally irrelevant *in the context of determining basic entitlements*. Clearly, species membership is not *wholly* morally irrelevant (e.g. whether or not, once the veil is lifted, you are a cow or a human is surely relevant to the question of whether you are entitled to, say, an education, religious freedom, etc.).

<sup>36</sup> Here I would refer the reader to Peter Singer's instructive formulation of this concept, taken from the very early pages of *Animal Liberation*, (Harper Perennial Modern Classics; Reissue edition; February 24, 2009) Chapter One: "All Animals Are Equal..." p.7: "Speciesism—the word is not an attractive one, but I can think of no better term—is a prejudice or attitude of bias toward the interests of members of one's own species and against those of members of other species.

It should be obvious that the fundamental objections to racism and sexism made by Thomas Jefferson and Sojourner Truth apply equally to speciesism. If possessing a higher degree of intelligence does not entitle one human to use another for his own ends, how can it entitle humans to exploit nonhumans for the same purpose?"

<sup>37</sup> Specifically; they beg the question *against* the moral standing of non-human animals, with respect to fundamental treatment.

<sup>38</sup> Peter Carruthers, *The Animals Issue: Moral Theory in Practice*, Cambridge University Press; 1<sup>st</sup> Edition (September 25, 1992), p. 102

make peaceful human community possible in conditions of modernity) or in my own, where the basic contractualist concept (as well as the desire to comply with it) is held to be innate, selected for in evolution because of its value in promoting the survival of our species. To suggest, now, that contractualism should be so construed as to accord equal moral standing to animals would be to lose our grip on where moral notions are supposed to come from, or why we should care about them when they arrive.<sup>39</sup>

Though the vegan is not without resources at this point, in the interest of brevity let us instead consider another, potentially more serious, objection to the contractualist omnivore. Consider; one of the more central features of contractualism is the (plausible) notion that rational agents would (indeed, do) reciprocally recognize the rights of one another *qua rational agents*. The contractualist, however, neither asserts that all human beings *are* rational agents (which is plainly false); *nor* that *only* fully rational human beings merit being treated with fundamental moral concern and respect *by* rational agents. On the contrary; children, and severely cognitively impaired human beings, for example, are not rational agents, and yet both categories still qualify, by the contractualist's lights, as deserving of fundamental moral concern and respect. This presents the contractualist omnivore with a rather serious dilemma<sup>40</sup>: namely; how, if at all, can the contractualist consistently deny moral standing to non-rational non-human animals, while nonetheless according it to non-rational human animals? I would suggest

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<sup>39</sup> Carruthers, Ibid. pp. 102-103

<sup>40</sup> Here I would direct the reader, again, to note 27 (above) for a more thorough statement of the nature of the contractualist's dilemma on this point.

that we need not delve into the details of contractualist responses to this challenge (such as they are) at this time, and for two reasons: first—and at the risk of being overly frank—I am confident that readers, even now, could hardly fail to appreciate the *additional* burden the contractualist omnivore must now take on: namely, that of defending against the distinct impression that, almost irrespective of the details of the particular response they might go on to provide, the motivation for it is decidedly *ad hoc*<sup>41</sup>; second (and more importantly), because the primary purpose of this section was not to render a conclusive verdict one way or the other, but rather to sketch, in broad outline, an *overview* of the vegan-omnivore debate. In this, I submit, we have succeeded well enough. Where, then, does this leave us? The short answer, it would seem: at an impasse. To note this, however, is less to answer the question (immediately above) than it is to pose another: namely, what *kind* of impasse?

Now, in view of the considerable sophistication that, as we have just seen, characterizes the debate between vegans and omnivores, along with its apparent intractability, it can be very tempting to suppose that this is a case of reasonable disagreement, perhaps even a paradigm case. The motive for this conclusion is largely, if not entirely, a matter of there not appearing to be any clear way to *resolve* the debate one way or the other; that is to say, in a manner that would be recognized as legitimately

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<sup>41</sup> The apparent goal being to avoid granting comparable moral standing (*vis-à-vis* fundamental treatment) to non-human animals at almost any cost.

authoritative by both sides. Moreover, it is likewise very tempting to suppose that, given that this would seem to be a case of reasonable disagreement, it is accordingly permissible to hold a variety of different views—or, to use the language from the previous section, to suppose that each (vegan and omnivore) is, in the end, *entitled* to their respective opinions concerning the question with which this section began. Is this, in fact, the only thing to say here? More to the point, is it the *right* thing to say? To begin to see that, whatever its first-blush intuitive appeal, the above reaction is, in fact, much too-quick, and ultimately untenable, consider what would seem to be the obvious retort from an ethical vegan on this point (on that note, I would reiterate that I myself am an ethical vegan, and what follows is, at any rate, how *I* am inclined to respond).

### 1.3 Reasonable or unreasonable? Engaging the debate

As we have already noted, consider that *any* normative claim about, e.g., what we ought to do; how we ought to live; what is, and isn't permissible; and the like, can be the subject of disagreement. This is trivial. It is, however, in the very least non-trivial—nor, it seems to me, is it particularly controversial—to observe that it is surely the case that not *all* normative claims are possible subjects of *reasonable* disagreement. To illustrate with an intentionally absurd example, suppose, for instance, that someone were to propose that viewing some particular film on the second Friday of every other month ought to be a legally enforced cultural requirement—a core tenet, as they see it,

of what it means for their society to collectively flourish as best it can. Obviously, this proposal can, will, and should be challenged; but not *merely*, we might think, because it is frankly very hard to imagine anyone in their right mind reacting with anything *but* resistance, if not indignation,<sup>42</sup> when presented with such a proposal (that is, once the initial shock of surprise that your interlocutor is *actually being serious* has worn off); but, also, and more to the point, on the deeper grounds that the disagreement in question is really but an expression of the fact that the proposal at issue is clearly *reasonably rejectable*. That is to say, we are all of us (*obviously*) entitled to our opinions to the effect that the state (likewise our fellow citizens) simply has no business coercively obliging us to occupy ourselves in such a highly specific way. Now, should our hapless interlocutor request some further account, or explanation, of precisely what it is that *grounds* this putative reasonable rejectability, our response would presumably be to appeal to the fact that it is permissible, and even desirable, that people should have different tastes in film, and should thus be able to view what they enjoy, and avoid what they don't. Beyond this, there is really very little one could say. More interestingly, though the proposal itself is certainly reasonably rejectable in the sense just described, this arguably does not suffice to make the disagreement a *reasonable* one. To see why,

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<sup>42</sup> Although note that, depending on how deep we imagine said feelings of indignation to be, it is possible that the disagreement would thus fail to satisfy the *first* criterion of reasonable disagreement as well—namely, the condition that the parties to such a dispute should withdraw/emerge from the exchange with their prior regard, or even esteem, for one another more or less intact.

note that the disagreement is not, in the first instance, a disagreement about *the film* (specifically, about its merits and demerits); rather, it is about whether the viewing of this, that, or indeed any other film (*qua* artistic creation) is the *kind* of thing about which a person *could* be justified in seriously suggesting we should all treat as a non-optional, universal requirement for (the good of) society. Simply put, this is not a justifiable position to hold, period; as such, the individual's opinion on this matter will not be judged by those to whom the proposal is addressed (i.e. everyone else) as an opinion to which he or she—or, indeed, anyone else—is entitled.<sup>43</sup> Note, also, that by the fifth criterion of reasonable disagreement—i.e. the higher-order reciprocity condition—this alone is enough to disqualify this disagreement from being appropriately deemed 'reasonable' in kind (i.e. *regardless* of whether or not the individual judges everyone else to be entitled to *their* view on the matter). Finally, since all who oppose this individual's proposal will additionally, and rightly, understand their own position as *not* reasonably rejectable (which, as we have already seen, is equivalent to their judging that the minority-of-one in this example is not entitled to his or her view), each

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<sup>43</sup> It would pull us too far off course to consider, at this time, whether one could not perhaps finesse the scenario in such a way that could potentially allow for the possibility that the individual, though not *entitled* to this view, is nonetheless *excused* for having it.

We might also note that, imagining a disagreement that was instead actually about the film *itself*—i.e. whether or not it is, so to speak, the “greatest film of all time”—this surely *would* count as a question over which people can reasonably disagree; so long as both sides accept that, in the end, their respective views could, in principle, be reasonably rejected.

will presumably also judge that, at least ideally speaking, it would be good if this individual could be persuaded, ultimately, of the error of their ways. Put otherwise, although there is sure to come a point in any *actual* conversation with this individual where one judges it best to simply drop the matter, at least temporarily, it remains the case that most everyone in this scenario is *also* apt to judge that, *at least in principle*,<sup>44</sup> the conversation should ultimately be continued, ideally until such time as the individual has given up the offending belief. So far so good.

As mentioned above, the preceding hypothetical scenario is intentionally absurd. In part, this was to help make as vivid as possible the following important point of contrast: namely, that between, on the one hand, disagreement concerning the merits/value of, e.g., a particular *film*; and, on the other, disagreement concerning whether *any* film *could* ever be such that it would be morally legitimate to think that everyone *must* view it on a regular basis. More to the point, the salient difference here (at least, for the purpose of explicating my account) is between two very different senses of, so to speak, *dialectical investment* on the part of the disputants themselves. On the one hand, there is the felt sense of investment that their debate about *the film itself* should continue; on the other, there is the felt sense of investment that their debate

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<sup>44</sup> Clearly it is an open question as to whether, in such a ridiculous scenario, the conversation *would* actually be continued. The point is just that there is, *ex hypothesi*, a non-trivial sense on the part of those who reject the proposal that it *should*.

about *the proposed universally mandatory viewing of said film* should continue. The former disagreement is plausibly reasonable in kind; the latter is not—as such, both parties are likely to regard the prospect of continuing their debate about the film itself as entirely optional (again, here the case rather resembles that of you and I debating, say, which of Vaughan-Williams’ 4<sup>th</sup> or 5<sup>th</sup> symphonies is the loveliest). Conversely, and speaking from the perspective of one who rightly and *reasonably* rejects the ‘mandatory viewing proposal,’ here one is likely to feel, instead, that the debate *morally ought* to continue; this being, I submit, the upshot of what it is to judge one’s interlocutor not merely wrong about some moral matter or other, but, rather, *deeply wrong*.<sup>45</sup>

Moving on, let us now try to imagine a scenario that is perhaps *slightly* less absurd, albeit distinctly more morally distasteful. Imagine a society whose norms, attitudes, moral sensibility—in a word, whose *zeitgeist*—closely mirrors that of, say, contemporary Canada. Now imagine someone were to suggest—indeed, to argue on behalf of/campaign in support of, etc.—a proposal according to which all non-heterosexual persons should be treated as a kind of ‘underclass,’ to whom all the undesirable and/or dangerous jobs in society should, by default, be given. In other words, we are to imagine that this individual, resolutely and unapologetically heteronormative (and/or homophobic) as s/he plainly is, is proposing what is, in effect,

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<sup>45</sup> Here I would direct the reader, again, to note 22 (above).



a kind of formalized, legally enforced, caste system, based around sexual orientation, with all non-hetero persons occupying the lowest stratum. Moreover, suppose that this individual argued, in all seriousness and sincerity, that the ‘justification’ for this differential treatment is ultimately based in the fundamental moral inferiority (as they see it) of all non-hetero persons *contra* hetero persons, owing to the fact that the ‘lifestyle choice’ of the former is a direct affront to, indeed violation of, ‘natural law’ (or something along these lines). As with the previous example, this is, of course, equally a proposal that can, should, and would be challenged on the grounds that, *inter alia*, the logic of this individual’s proposal is as misguided, as intellectually bankrupt, in a word as *preposterous* as its content is morally offensive. Simply put, here again is a case in which the individual’s proposal is clearly reasonably rejectable; which is *also* to say that the society we are envisioning—at least, once the dust has settled and the outrage at his or her proposal has become less acute—is one in which most everyone is apt to feel (rightly) that, no matter how distasteful the prospect might be, conversation(s) with this individual *should*<sup>46</sup>, at least in principle, be continued nonetheless—in particular, until

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<sup>46</sup> Again, whether or not anyone actually *would* undertake to debate this person in the future is a separate question.

such time as he or she has been disabused of their immoral view (to which s/he most certainly would *not* be judged entitled).<sup>47</sup>

Finally, imagine a society in which slavery was legal, and in which someone were to propose that it ought not to be; that is to say, that it should be outlawed. Presumably, given that we are here imagining a society in which it is legal, there would also be a corresponding, underlying, attitude to the effect that slavery is morally permissible (whether or not it is also considered problematic), or, to use a less theoretically charged term, an attitude to the effect that it is *natural* and thus *normal*. In view of this feature, we can rather easily imagine that this proposal would likely also be dismissed (e.g. as too radical, impractical, extreme, and so forth). But is this, then, an analogous case of dismissal on the (moral) grounds of the proposal being *reasonably* rejectable? On the one hand, we *might* say that it would be ‘unreasonable’ *of the petitioner* to expect society to simply defer to his or her proposal overnight (suppose slavery is deeply embedded in the economic infrastructure of the society in question; or that it is in some way or other entrenched in the society’s cultural traditions; enshrined in its religious values, and so on); indeed, we *might* say this *even if* we further imagine the proposal to have been preceded by a careful, and lengthy, argument—an argument

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<sup>47</sup> Note that each of these scenarios might additionally be viewed as describing cases of disagreement which are unreasonable in the sense of their failing to meet one or more of the *other* four conditions of my account as well—in which case, since they are *firstly* intended as examples of how/why a disagreement might fail to meet the *fifth* condition, we may say that their unreasonableness is *overdetermined*.

that, let us suppose, even succeeded in giving all, or most, of those present at least some small measure of moral pause or unease (even though, in the end, the proposal was still dismissed as too radical). So, in this qualified sense, we might even say that the disagreement is ‘reasonable.’ We *might* say this; but *should* we? I think not. Alternatively, then, we might instead think that the proposal *itself*—*contra* the petitioner’s expectations and/or hopes for its favourable reception—is *not* reasonably rejectable (because, after all, slavery is wrong); the simple reason being that it is grounded in a moral truth (namely; that people are not property), and hence it actually is *not* a point over which there can be true reasonable disagreement. Put otherwise, contrary opinions regarding the wrongness of slavery are not opinions to which anyone is entitled. More to the point of my account, however, *this is how the petitioner him or herself understands the situation.* The reason, then, on my account, why this hypothetical scenario does not satisfy the description “reasonable disagreement” is because the difference of opinion that characterizes the debate between our imaginary abolitionist petitioner and the pro-slavery status quo-supporting majority is not one that is judged by *all* parties involved as being a *respectable* one—in particular, the

abolitionist, we may stipulate<sup>48</sup>, does not, and ought not, regard her interlocutors' dissenting view as worthy of respect.<sup>49</sup>

Now, as I said above, I am an ethical vegan; and as one who is willing to engage in debate with people about the way our society treats animals, I am all too aware that the very *idea* that maybe, just maybe, in the end we simply cannot justify inflicting unnecessary suffering and death on animals (and, accordingly, that we must abolish our use of them) is highly controversial, and thus is certainly subject to 'reasonable' disagreement in (at least) the highly qualified, and frankly impoverished, sense of this term that was briefly considered above (i.e. the sense in which it would be unreasonable of *me*, and ethical vegans generally, to seriously expect society to, so to say, turn on a dime, or change overnight, in response to our arguments). That said, my position *as* an

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<sup>48</sup> To anticipate, and perhaps forestall, another possible objection; consider that the preceding scenario is thought experimental. As such, one is free to describe the particular case however one likes—indeed, this is the whole point. Specifically, my purpose here in presenting this particular scenario in the way that I have is to help illustrate how ethical vegans *here and now* understand their own relation to the overwhelmingly omnivorous moral majority (morally, socio-politically, philosophically, indeed, phenomenologically speaking...) with an example that, it is hoped, should be intuitively relatively straightforward for non-vegan readers to imaginatively project *themselves* into (at least, for those of us who feel that the wrongness of human slavery is a moral absolute). In sum, by thought-experimentally considering the perspective of the abolitionist in this example, non-vegan readers may become better acquainted with the moral phenomenology of ethical veganism—and, hence, are in the very least in a better position to appreciate *why* we are inclined to resist characterizing our debate with non-vegans in terms of 'reasonable disagreement'—*whatever* they might think of the actual arguments in support of veganism.

<sup>49</sup> Nor does it matter whether those in the pro-slavery moral majority in this example regard the petitioner's view as one to which *s/he* is entitled. Perhaps all do; perhaps some do; perhaps none do. The fact that, *ex hypothesi*, the petitioner alone does not adopt this view towards those who dissent is sufficient to block the disagreement from counting as 'reasonable,' properly so-called.

ethical vegan is that ‘no unnecessary suffering and death’—understood as a universal injunction against using non-human animals, for our benefit, in any and all ways that are harmful to them, or otherwise against their interests and inclinations (when not mandated by necessity)—actually *does* derive from a fundamental moral truth. In simplest terms, animals are not things; they are experiential *selves* (i.e. they are subjects of conscious states that are ‘like something’ to have or to be in). Stated differently, non-human animals *have* a subjective good; their lives can go better or worse. As such, they are the sorts of beings whose intrinsic nature (*qua* ‘subjects of a life’<sup>50</sup>) entitles them to fundamental concern and respect—which, at an absolute moral minimum, demands that we stop exploiting them as resources and commodities. My view is that ethical veganism occupies roughly the same philosophical/dialectical position currently, *vis-à-vis* ‘reasonable disagreement’ (properly understood) as abolitionism (concerning human slavery) does in the example given above. In other words, though we can, and surely do, disagree *now*, as a matter of brute fact, about whether and how we may use animals for our own purposes; the *sense* in which our contemporary disagreement might be described as ‘reasonable’ is not, I think, one that the best version of our possible future

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<sup>50</sup> I borrow this phrase from Tom Regan.

descendants, generations hence, would be especially proud of.<sup>51</sup> In short, though people can perfectly well disagree about/hold a variety of different views about slavery, racism, sexism, heterosexism, and the like *even now* (up to and including views to the effect that the discriminatory practices that these attitudes enjoin are permissible, desirable, *natural*, *normal*, or what have you...), these are not actually things that people can reasonably disagree about.<sup>52</sup> The point, then, is that insofar as ethical vegans stress that the same goes for our treatment of non-human animals—and, in particular, for *speciesism*, and the discriminatory practices (against non-humans) that *it* enjoins—we are accordingly inclined to reject the characterization of our debate with omnivores as

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<sup>51</sup> By ‘best version,’ I mean, *inter alia*, those born into a world in which the last vestiges of speciesism are well and truly gone—or, at least, where they are condemned in roughly the same sense in which, e.g., racism and sexism are currently condemned. Note, too, that the sense in which I am suggesting that the citizens of such a world would likely not look fondly, in retrospect, on our classifying the vegan-omnivore debate as a case of ‘reasonable disagreement’ is of a kind with the sense in which, looking back on our own history concerning racism and slavery, one cannot help but feel somewhat depressed by the fact that these were once considered ‘controversial’ issues.

<sup>52</sup> There are, to be sure, some rather vexing questions lurking in the immediate vicinity here that deserve, at least, to be mentioned (if not exhaustively addressed); in particular, those pertaining to whether (and if so, in what *sense*?) this or that action, attitude, practice, custom, disposition, preference, remark, etc. is, or is not, racist, sexist, heterosexist, etc. As I have no intention of providing a comprehensive taxonomy of anything and everything that is racist, sexist, and so on (much less a philosophical analysis, and defence, of the criteria that would presumably be needed to guide such an endeavour), I will instead simply say that by, e.g., ‘racism’ I mean, roughly, any view to the effect that race is, or ought to be, a determining (or even mediating) factor in deciding to what extent, if at all, a person is entitled to fundamental concern and respect. Replacing ‘race’ with ‘gender’ or ‘sexual orientation’ will supply an exactly equivalent analysis of what I mean, in broad outline, by ‘sexism,’ or ‘heterosexism.’ The salient point is this: though we might well disagree about whether this or that particular action, practice, etc. *really is* racist, sexist, etc. *that* racism and sexism are wrong is, I submit, *not* something about which there can be reasonable disagreement.

one of ‘reasonable disagreement.’ Put otherwise, the reason that this debate defies classification in these terms is because, by ethical vegan lights, the fundamental difference of opinion at issue—i.e. that concerning the moral permissibility (or *lack* thereof) of the practice of enslaving, exploiting, and ultimately killing non-human animals for human benefit—is *not* a respectable one.<sup>53</sup>

## 1.4 Objections and replies

Before we move on, there are at least two potential objections that might be raised at this point, which deserve to be mentioned. The first objection I have in mind begins by calling attention to what the reciprocity condition I have put forth as the fifth

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<sup>53</sup> The related question of whether, by vegan lights, it is even so much as *tolerable* is somewhat vexed. On the one hand (and in one sense of the term), *of course* the difference of opinion here is ‘tolerable,’ *if* by ‘tolerable’ we mean (something like) “not such as to be forcibly, violently, or otherwise coercively corrected for.” This, however, isn’t saying very much; but more importantly, this is fundamentally anathema to the core tenets of vegan advocacy and outreach anyway—which, above all, emphasizes non-violent, creative education and good-faith argument. Note, also, that vegans can (and perhaps should) further grant at this point that, in view of the deep, pervasive, historically and socio-culturally entrenched paradigm in which, through which, and, indeed, to a not inconsiderable extent *because of which*, omnivores hold this opinion (i.e. a speciesist paradigm in which non-human animals are, and have long been, regarded as ‘ours to use’), many omnivores are presumably not, at least not altogether straightforwardly, appropriate subjects of moral blame. Using the language I introduced in Section 1, the salient opinion is, we might say, the result of an “excusably wrong belief” (to wit: the belief that non-human animals are ‘ours to use’). This is not to say, however, that one can excusably hold a morally wrong belief indefinitely...

Finally, in principle, any determination as to whether or not this or that individual omnivore’s morally wrong belief actually *is* excusable (in the sense we are presently considering) would seem to depend a great deal on what for lack of a better term we might call the *insularity* of their omnivorism (roughly, to what extent, if at all, one has been exposed to/is aware of the practical truth of the behind-the-scenes goings-on of the animal-harming industries that provide the products one consumes; and/or of the various arguments for, or considerations adduced in support of, veganism—or perhaps even vegetarianism).

feature (indeed, criterion) of reasonable disagreement actually states—in particular; it states that both parties must (merely) *judge* one another’s position to consist, ultimately, of beliefs and opinions to which one is entitled; *not* that one’s interlocutor must actually *be* entitled to these (i.e. in point of fact). This is significant (the objection continues), since the former is, at least by comparison, a rather weak, and potentially quite permissive, requirement. More to the point, unless and until such time as I have provided a systematic, theoretical account not merely of what is that we *do*/mean when we *judge* that someone is, or is not, entitled to their opinion, but, more importantly, of (a) what it *is*/means to *be* entitled to a belief or opinion *as a general matter*—and, in particular, (b) a compelling explanation therein of how and why it is that this account must preclude the possibility of (any)one’s being entitled to a belief or opinion to the effect that omnivorism is morally justified—I am committed to accepting the following sort of scenario as a case of *bona fide* reasonable disagreement: to wit, the case where (a) the first four conditions are all met; and (b) the fifth condition is *also* satisfied *in the sense that* the two parties to the dispute—i.e. the vegan and the omnivore—actually *do* reciprocally regard one another as entitled to their respective, opposing, views. In sum—and in keeping with the account of reasonable disagreement presented in section 1—the thrust of this objection is to suggest that the most that I have actually shown here is that, as a matter of contingent fact, some, many, or perhaps even most debates between actual ethical vegans and omnivores do not qualify as ‘reasonable’ because ethical vegans tend not to regard their own position (i.e. their veganism) as reasonably rejectable. Even



if this is true (the objection continues), this does not actually establish that reasonable disagreement between vegans and omnivores [about veganism] is *impossible*, since there may well be (in fact, there surely are) vegans out there who do not regard their own veganism as morally mandatory<sup>54</sup> and, hence, who would presumably regard their interlocutor's omnivorism as morally permissible.

To begin with, I would respond by stressing that I certainly have no intention of providing a general, systematic theoretical account of what it is/means to *be* entitled to a belief or opinion *as such*—i.e. in some absolute, ‘objective,’ metaethical (or worse, *metaphysical*) sense. Those wishing for such an account should look elsewhere, for they will not find it here. Having said that, I would also add that it does seem to me that, as a basic condition of minimal adequacy for *any* such account, it should turn out that the paradigmatically immoral beliefs and opinions mentioned earlier—i.e. those constitutive of racism, sexism, heterosexism, and the like—would be excluded from the class of those to which one *could* be entitled. (Granted, it is indeed my own view that omnivorism should be analogously excluded in any such account. This, of course, really amounts to no more, and no less, than my saying that veganism is morally non-optional

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<sup>54</sup> Here I note that some vegans regard their veganism as *supererogatory*; that is to say, as a morally praiseworthy thing to adopt in one's own life, but not a morally blameworthy thing *not* to adopt.

(just as anti-racism and anti-sexism are morally non-optional); and, thus, to argue for this point *just is* to argue for veganism, understood as a moral imperative.)

Now, prescind from the absent and, in any case, non-forthcoming details of the sort of theoretical account just mentioned, the salient point for my purposes is just to observe that, on pain of one's having to say that, at least in principle, one actually *could* be entitled to, e.g., racist or sexist beliefs, it is surely possible for someone to *take* themselves to be entitled to a moral opinion, and yet not actually *be* entitled to it (again, whatever this turns out to mean in fully articulated theoretical terms): for example, this is presumably what we should say about one of the fictional residents of our earlier-imagined hypothetical slave-owning society, for such an individual would presumably regard their own opinion to the effect that slavery is not morally wrong as well-founded and, indeed, justified. They would, however, be wrong about this; in other words, this would be a case of someone *falsely* believing themselves to be entitled to their opinion. More interestingly, however, note that this same individual could well (correctly) regard the abolitionist petitioner with whom she disagrees as entitled to *their* opinion—even though she does not share this belief herself. Likewise, while it seems unproblematic to observe that the abolitionist petitioner would presumably (correctly) take *herself* to be entitled to her own belief that slavery is wrong, we can at least imagine—or, better, *stipulate* (since this is, I would suggest, rather difficult to sincerely imagine)—that she might also (albeit incorrectly) take her interlocutors to be entitled to *their* dissenting

views. These two other-regarding judgments, then, are (a); analogous in that each side *takes* the other to be entitled to their respective views; but they are (b); *dis*analogous in that only *one* of these ‘takings-to-be-the-case’ corresponds to what actually *is* the case (the other, recall, being the false, albeit surely magnanimous, judgment from the abolitionist petitioner that her pro-slavery interlocutors’ eventual rejection of her proposal—misguided, lamentable, and ultimately tragic though it may be—is nonetheless reasonable). In other words, this would be a case in which the higher-order reciprocity condition *is* satisfied; in view of which the objection we have been considering thus far can be said to have effectively narrowed to the following question: namely; are the five conditions set forth in section 1 severally necessary *and* jointly sufficient for true reasonable disagreement; or are they, in fact, merely severally necessary (in which case the onus would seem to fall squarely on me to bring to light, and explain, whatever *further* condition it is that I have been covertly, and perhaps even unwittingly, appealing to all along)?

In lieu of a full theoretical account of this further condition, I will instead simply assert the following: the wrongness of slavery—be it human or non-human in form—*just is not a matter over which people can reasonably disagree* (here I would also stress that, with respect to *human* slavery at least, this seems unlikely to be the sort of claim that many people, in point of fact, would be apt to resist). The hypothetical example described above is, moreover, *just that*; namely, a thought experimental scenario

expressly conceived in order to test the absolute logical integrity of a general account whose plausibility, I would argue, is otherwise secure. Moreover, we should note that perhaps the single-most contrived—i.e. *essentially* thought-experimental—feature of this scenario is the notion that a principled, morally sincere abolitionist could *fail* to judge that her pro-slavery interlocutors are not entitled to their view (i.e. that she could *fail* to judge her interlocutors' view as *not* worthy of respect). Granted, as I have already acknowledged, there surely is a further question here as to whether the abolitionist would, and/or perhaps should, regard her pro-slavery interlocutors as not morally blameworthy for their views; this, however, is a separate question, over and above the point of fundamental contention that divides the two sides (namely; whether or not a position to the effect that human slavery is not morally wrong can be justified). Indeed, in endeavouring to seriously entertain the thought-experimental scenario described above, it seems to me, one cannot help but suppose that the abolitionist petitioner in this scenario would, whether explicitly self-consciously or merely tacitly, presumably also regard her own opposition to human slavery as, at most, supererogatory in nature (insofar as she understands it to be a *moral* opposition at all; on the other hand, perhaps the individual in this updated scenario views her opposition purely in terms of personal distaste). This is, I would suggest, implausible in the extreme; more to the point, while it is surely (and thankfully) true that few, if any, of us who are sincerely opposed to racism, sexism, human slavery, and so on *actually do* regard our attitudes on these matters as supererogatory; anyone who actually *did*, I suggest, would, by that measure

alone, exhibit a rather striking failure to understand how and why these things *are* morally wrong in the first place.

In sum, my view is that vegans who, in debating veganism with omnivores, come eventually to regard their interlocutor as entitled to their dissenting view are wrong to think this; likewise, I maintain that our imaginary abolitionist petitioner in the hypothetical example just raised is (would be) wrong to regard her pro-slavery interlocutors as entitled to theirs. More to the point, in the vast majority of actual cases, ethical vegans who (rightly) affirm the view that veganism *is* morally necessary are not likely to (wrongly) regard their omnivore interlocutors as entitled to theirs anyway.<sup>55</sup> Now, this response plainly will not satisfy the imagined critic who pressed the initial objection; and, thus, insofar as I shall not, in what follows, endeavour to set forth a full theoretical account of what nonetheless strikes me, intuitively, as the sixth condition needed for true reasonable disagreement (about moral matters) to obtain, I must for now concede that the five conditions outlined thus far are indeed severally necessary *and jointly sufficient*. In other words, I must accept that reasonable disagreement between ethical vegans and omnivores is not absolutely *ruled out* on my

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<sup>55</sup> Indeed, the very prospect of this may actually be incoherent. *In* regarding one's omnivore interlocutor as entitled to their beliefs on the matter, it may be that one could no longer consistently maintain that one's own veganism is based in a moral imperative. In other words, it may actually be a conceptual condition that the vegan who regards their omnivore interlocutor as entitled to their view must understand his/her own veganism as supererogatory at most, or even non-moral entirely.

account. Cases of disagreement in which the vegan (I think wrongly) regards her interlocutor as entitled to his opinion that veganism is not morally mandatory—and in which the omnivore reciprocally views the vegan’s dissenting opinion as one to which she is likewise entitled—qualify as reasonable on my view. Having said that, I hasten to add that while it is of course easy enough to imagine such hypothetical cases for the sake of argument, it is another matter entirely how often one is likely to actually *find* real cases of this in the world—at least with respect to *non*-supererogatory vegans.<sup>56</sup>

In what small space we have left, let us now briefly consider the second objection. Where the first objection seeks to present a dilemma according to which I must choose between saying *either* that the five criteria listed in section 1 are severally necessary *and* jointly sufficient (the apparent implication of this being that vegans and omnivores, it turns out, actually *can* reasonably disagree, at least in principle); *or* that these are merely severally necessary (in which case my account remains, as yet, incomplete), the second objection looks to put pressure on the claim that the fifth criterion is even so much as necessary. Specifically; it might be objected at this point that the reciprocity condition I describe for reasonable disagreement—namely; that each disputant must affirm the

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<sup>56</sup> Alternatively, we might say that such cases are virtually exactly as common as supererogatory vegans are numerous. Though I do not have any concrete data to support this, I suspect that those vegans who genuinely regard their veganism as morally optional are few and far between. Moreover, any possible disagreement about this point between supererogatory and non-supererogatory vegans, it seems to me, would *not* be reasonable on my view.

belief that the other is entitled to their view; or, equivalently, the belief that one's *own* view *is* reasonably rejectable—is itself unreasonably demanding and exclusionary, particularly since it endows each with a kind of *de facto* veto power to effectively disqualify the disagreement at hand from the status 'reasonable' simply and merely by declaring one's own view not reasonably rejectable. Granted (the objection continues), though I may well be right to think that reasonable disagreement is not something that genuinely obtains merely by virtue of mutual descriptive fiat, as it were (i.e. a disagreement is not reasonable purely to the extent that the parties judge it to be—after all, it could well be unreasonable in the sense of its failing to satisfy one or more of the other criteria); I am wrong to think that a disagreement is *unreasonable* purely to the extent that one, or both, of the parties judges it to be (i.e. purely insofar as one, or both, of the disputants does *not* affirm the belief that their own view is reasonably rejectable). In other words, perhaps one, or both, of the disputants is simply wrong on this score; that is to say, perhaps their own view *really is* reasonably rejectable—in view of which we should conclude that, whether they like it or not, this individual actually *is* a party to a reasonable disagreement.

The first point of response is to note that, by the criterion that such debates must also be 'intelligent' and 'rational'—in particular, that the disagreement itself is not antecedently inevitable, or a foregone conclusion from the outset—the relevant claim—i.e. that one's interlocutor is not entitled to their view—is not ('simply or merely')

‘declared’; but, rather, is something that is *judged* to be the case on reflection and careful examination, and, thus, in the end is affirmed by the disputant on the basis of reason and argument. More importantly, though, one should note that this reciprocity condition is really only a reflection of the fact that we already take the term to imply a certain attitude of mutuality and interpersonal recognition. To illustrate with an example, consider the following analogy: arguably, to love someone is not tantamount (i.e. by that measure alone) to being *in love*. Granted, one surely could (as many surely do) love someone without being loved back, and yet this seems not to count, intuitively, as what we mean by the phrase ‘being *in love*.’ This, it seems, involves loving *and being loved in return*—in fact, it involves conscious uptake as well; namely, that the person you love *knows* that you love them and, further, knows that *you* know that you are loved *in return*. Or so, at least, it seems to me. Similarly, one could well take one’s interlocutor to be entitled to their position, and, thereby, to regard one’s own view as reasonably rejectable—and, yet, if one’s interlocutor does not judge the same to hold, in return, from their perspective, the disagreement itself would seem to be missing a crucial attitudinal ingredient, without which, I argue, it should be seen as falling short of being ‘reasonable.’ In some ways, then (in particular, in the roughly analogous sense that the two states share a necessary common element of interpersonal recognitional awareness), being in a reasonable disagreement is like being in love; just as you can’t *be in* love without being *loved back* by the person you love; so to you can’t *be in* a reasonable



disagreement with someone who does not reciprocate your judgment that they are entitled to their view.

# Chapter 2

## Ethical Veganism and Peer Disagreement: A Neo-Pascalian Approach<sup>57</sup>

The purpose of this chapter can be summarized in reference to three principal aims: aims which, it should be noted, are importantly interrelated and hence will often overlap in the discussion that follows. In the interest of clarity, however, I begin by stating these aims separately. The first task will be to introduce a particular identity claim: namely, the proposal that reasonable disagreement (perhaps) *just is* disagreement between epistemic peers [who mutually regard one another as such]. (Equivalently, this so-called ‘identity claim’ can be thought of in terms of explanatory reduction; that is to say, reasonable disagreement, on this view, would no longer be viewed as a *sui generis* kind of disagreement, distinct unto itself, but rather as a kind of placeholder term, explanatorily reducible to disagreement between [mutually regarding] epistemic peers.) To help motivate this proposed definitional shift—and here I would just add that, in keeping with my focus, throughout, on the standpoint of the deliberating parties

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<sup>57</sup> Many thanks to Joshua McBee, Ph.D. candidate in philosophy at the Johns Hopkins University, for many stimulating (indeed, *catalysing*) discussions about these, and related, issues. In one way or another, much of what follows in this chapter has its roots in these conversations.

themselves, I am less concerned with *vindicating* this claim (e.g. against a series of objections) than I am with sketching at least *one* way in which it might conceivably, and plausibly, arise in the first place<sup>58</sup>—I will present a philosophical dialogue (of sorts) between a hypothetical vegan and a hypothetical omnivore, one early outcome of which being the decidedly vexing realization that the aptness of the very term ‘reasonable disagreement’ is itself a point over which people can (and do) philosophically disagree (at least on the subject of ethical veganism; but perhaps generally as well). In fact, it is even worse than that: absent a mutually agreed upon conception of ‘reasonable disagreement’ to begin with, and it is difficult to see how the following ‘meta question’ (for lack of a better phrase) could fail to arise *at some point* during the discussion: to wit, whether or not the parties’ potential disagreement concerning how ‘reasonable disagreement’ should be understood is *itself* reasonable.

It is worth pausing a moment to consider this problem more closely. What exactly are we to make of this question? *Is* reasonable disagreement *itself* something over which people can, and do, reasonably disagree? If so, *how* so? If not, *why* not?

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<sup>58</sup> In other words, I am less concerned with how the details of the identity claim itself might/should be hashed out, than with the fact that entertaining its plausibility (in a ‘finer theoretical details pending’ sense) is one of the ways the parties might potentially move, in their exchange with one another, from reasonable disagreement to peer disagreement. Another way, of course—and granting that this is somewhat banal by comparison—would be if one of the parties were to simply propose (and the other to agree): “perhaps it’s time that we try thinking about our exchange in a new light. Perhaps *this* way” (i.e. where ‘this’ is used to refer to the framework of epistemic peer disagreement).

Neither possible response here seems particularly attractive; on the contrary: to answer “yes” would be to all but concede that the term in question is in fact vacuous; to answer “no,” on the other hand, seems theoretically unmotivated, for this would be to arbitrarily exempt from consideration what should presumably strike us as nothing so much as a paradigmatic instance of the *very thing* that we have hitherto been considering the predicate ‘reasonable’ in relation *to*—namely; *disagreement*. Put otherwise; *if*—as seems plainly to be the case—the question “is this a case of reasonable disagreement?” can be meaningfully asked of any and all *other* disagreements, why not *this* disagreement as well? The problem is ultimately one of circularity and self-reference: both answers are problematic in that each appears equally, and necessarily, to presuppose a prior notion of reasonable disagreement; the reason being that one could not very well go about answering the question of whether this or that particular disagreement about what ‘reasonable disagreement’ is, or means, is itself reasonable unless and until one *already* knows (or, better, *judges* oneself to know) what reasonable disagreement actually amounts to.

And thus we are faced with the following dilemma: either the parties must engage squarely with this ‘meta question,’ all the while resigning themselves to what would appear to be the unavoidable necessity, therein, of begging the question one way or the other (to say nothing of the possibility that each might well beg the question in opposite directions); *or*—perhaps mutually sensing that to seriously pursue this question in any

real depth would be to fall victim to a kind of conversational quicksand—they might instead simply elect to avoid the problem entirely. In short, the aforementioned re-classification strategy—i.e. the proposal according to which ‘reasonable disagreement’ might fruitfully be regarded as one and the same as (or as explanatorily reducible to) ‘peer disagreement’—is very much a version of the latter option. In sum, though the meta question only actually arises in the case of two or more interlocutors who do not mutually endorse a common (or, at least, compatible) conception(s) of reasonable disagreement (e.g. the one set forth in the previous chapter), if and when this question *does* arise, it is arguably the sort of thing that, other things being equal, the parties are better off trying to navigate *around* than *through*. This, at any rate, will serve as one of the background assumptions of the chapter going forward.

The second aim of the chapter is to explore the vegan-omnivore debate from the standpoint of each of the two principal reactions to cases of peer disagreement discussed in the literature: namely, the ‘suspension of judgment’ reaction on the one hand; and the ‘stick to your guns’ reaction on the other.<sup>59</sup> In order to do this task the justice it deserves, it will be necessary that we spend a good deal of time discussing the merits and demerits of each side of this debate on their own terms—that is to say, often without

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<sup>59</sup> The ‘suspension of judgment’ reaction is also often referred to as the ‘equal weight’ or ‘conciliationist’ view; while the ‘stick to your guns’ stance is sometimes referred to as the ‘steadfast’ or even ‘extra weight’ view.

explicit reference to the vegan-omnivore debate. Even so, one should endeavour to keep this debate in mind throughout, for my larger goal here is to consider what, if anything, the vegan can *say* to the omnivore beyond the point at which one or the other of these reactions has been mutually judged to be in order. The hope, then, is to determine how best this debate might be constructively advanced *beyond* each of these two possible reactions, particularly since each is, respectively (albeit in quite different senses), often taken to be an intuitively natural end-stage, or even resolution, to deep disagreements between peers.

The third, final, and in many ways most important aim of this chapter will be to introduce, and elaborate, what I call the “neo-Pascalian argument for ethical veganism.” This, along with the account of reasonable disagreement just presented, is perhaps the most original contribution to the theory and practice of animal rights and vegan advocacy to be developed in this dissertation. Indeed, as I shall endeavour to make clear as the chapter unfolds, a great deal of the intuitive strength and practical appeal of this argument comes from its ‘tie-breaking,’ or, better, ‘fog-clearing’ utility as a device for simplifying, or at least *re-framing*, what can sometimes seem an intractable, or even hopeless, debate—more precisely, a debate which might otherwise appear to have run its course, thus leaving the disputants in that familiar and, frankly, dispiriting state in which they have all but lost sight of the substantive common ground that, I will show, unites them.

## 2.1 Reasonable disagreement *as* peer disagreement?

The principal aim of this section will be to suggest that the ‘mutual suspension of judgment’ reaction to cases of peer disagreement, epistemically plausible or not, is regardless often completely inadequate if taken to be the ‘final word,’ so to speak, for the individual parties to the disagreement. This shortcoming, I will show, becomes especially apparent in cases where the subject of the disagreement is itself firstly, if not entirely, *behaviourally normative* in kind—that is to say, concerned with what one *ought*, or ought *not*, (morally) to *do*. In what follows, I will exploit this shortcoming by arguing that in cases of *prima facie* peer disagreement between ethical vegans and non-vegans (*about* veganism), the ‘mutual suspension of judgment’ response actually ends up *supporting* ethical veganism *by the non-vegan interlocutor’s own lights* (assuming he or she accepts that one ought not to inflict wrongful harm). In slogan; this is a tie that ethical vegans win.

Before we will be in a position to fully appreciate the practical inadequacy of the suspension of judgment reaction, we should begin by attending to how the parties to our debate might conceivably arrive at this point. Perhaps the most natural, and surely the most direct, way that the parties might find themselves leaning in this direction is simply to imagine that the vegan endorses the account of reasonable disagreement set forth in Chapter 1, while the omnivore does not. Nor is this a mere ‘for the sake of argument’ contrivance on my part: on the contrary; since the particular account of reasonable

disagreement at issue is ultimately the product of an exercise in conceptual analysis on my part—with a particular focus, to be sure, on the *attitudinal* and *performative* aspects of this notion<sup>60</sup>—the omnivore is not without resources in resisting my account, and, by extension, in rejecting the vegan’s verdict that their disagreement is *not* reasonable. Perhaps, for instance, the omnivore might feel that my account, with its decided emphasis on the occurrent [inter]subjective opinions of the actual disputants themselves (*vis-à-vis* the higher-order reciprocity condition that each must actually *judge* the other to be entitled to their respective views), is simply wrongheaded from the start. With that said, the most likely move from the omnivore at this point, it seems to me, is to resubmit the second objection considered in the back half of section 3, Chapter 1: that is to say, to suggest (to the vegan) that a disagreement (e.g. *theirs*) might perfectly well *be* reasonable (in point of fact) even in the case where one, or both, of the disputants expressly denies that this would be an accurate characterization. Moreover, the omnivore might further suggest at this point that, if anything, it is actually the vegan him or herself who is being *unreasonable* in insisting that their disagreement is *not* reasonable; “after all,” [s/he might add] “I am only too happy to grant that, while I do not share your view, it is certainly one to which you are entitled. Why, then, with all

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<sup>60</sup> More specifically, with a focus not merely on what it is that we appear, pre-theoretically, to *mean* by this phrase, but also, and just as importantly, on the more practical question of what it is that we *do* when and if we *judge* a disagreement to be ‘reasonable,’ and what follows from this.



due consideration paid to the importance which you rightly place on mutual respect and reciprocity in your own account, can you not extend the same courtesy to me?”

Now, as we have also already seen, the vegan is not without resources at this point either (in particular; here the vegan would do well to resubmit the intuitive analogy with *being in love*). And thus, almost without realizing it, our hypothetical interlocutors have effectively shifted the argumentative stage away from the initial question with which their debate began—namely; whether or not (absent necessity) it is morally legitimate to harm and/or kill non-human animals for our benefit—and have instead trained their sights upon the rather more abstract question of how ‘reasonable disagreement’ should be understood. As mentioned above, however, there is a distinct danger that accompanies this particular topical shift; a danger that comes in the form a question that all but asks itself; this question, to reiterate, is as follows: *is* the question of how reasonable disagreement should be defined and understood *itself* a matter over which people can ‘reasonably’ disagree?

We have already canvassed the special difficulties that attend this question well enough for our purposes; we needn’t rehearse them any further at this point. For now, then, let us instead explore an alternative strategy that might arise in response to this dilemma; in particular, one that both parties might view themselves as having good reason to endorse. Suppose the parties were to mutually propose at this point that the very concept of ‘reasonable disagreement’ may in fact be more felicitously thought of in

terms of ‘peer disagreement.’ A case of peer disagreement is a case where two (or more) persons who hold contrary, or even incompatible, positions on some subject/question or other *also* regard one another as ‘epistemic peers’—by which is meant, roughly: neither party to the dispute has reason to doubt the other’s general epistemic reliability, reasoning competence, awareness of evidence, and so forth. Granted, it remains to be seen whether, and if so how, this proposal constitutes a practical improvement (in the sense of enabling the vegan and the omnivore to overcome their deliberative impasse). Before we proceed to explore this question in earnest, however, let us first consider an instructive statement of the particular *problem* that peer disagreement is generally thought to pose. To that end, consider the following brief passage from a well-known paper on the subject by Thomas Kelly:

Can one rationally hold a belief while knowing that the belief is not shared (and indeed, is explicitly rejected) by individuals over whom one possesses no discernible epistemic advantage? If so, what assumptions must one be making about oneself and about those with whom one disagrees? In deciding what to believe about some question, how (if at all) should one take into account the considered views of one’s epistemic peers?<sup>61</sup>

Epistemologists have long debated what the appropriate course of action for the disputants themselves in such cases actually is, with many (though by no means all<sup>62</sup>)

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<sup>61</sup> Thomas Kelly, “The Epistemic Significance of Disagreement,” in *Oxford Studies in Epistemology: Volume 1*, eds. John Hawthorne, Tamar Szabo Gendler (Oxford University Press: 2006) pp. 167-198, p. 168

<sup>62</sup> Here I would note that this is *not* Kelly’s own view.

suggesting that a mutual suspension of judgment is called for. Though I shall have much more to say about this in section 2, let us for now simply assume that our interlocutors are likewise inclined toward this view. Suppose, in other words, that the vegan, despite having done her philosophical utmost to convince the omnivore that veganism is morally necessary, has failed. Suppose, too, that this dialectical failure has had a somewhat sobering effect on the vegan; in particular, suppose that while she is by no means inclined to regard veganism as philosophically untenable, much less forfeit, she has nonetheless become at least *somewhat* less comfortable, and confident, in the conviction she had previously placed in the strength of her own arguments. Next, suppose that the omnivore, despite having likewise done his philosophical utmost to defuse, disarm, and generally resist the vegan's arguments, has also 'failed,' at least in the sense that, upon emerging from the debate, he now finds himself feeling a good deal less critically *secure* in his own prior convictions [about what constitutes a morally permissible diet and lifestyle] than before the exchange took place.<sup>63</sup> This is not to say, mind you, that he

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<sup>63</sup> It is not necessary that we rehearse at this time the actual play-by-play, back-and-forth *content* of this hypothetical exchange. This is because the most relevant consideration for the purposes of this chapter is how the hypothetical interlocutors in this scenario might potentially come to view the moral, practical and epistemic significance *of the disagreement itself*. Having said that, those wishing for such an account are encouraged to review section 2 of Chapter 1—including notes—for while the back-and-forth summary presented there is certainly not meant to be taken as an *exhaustive* description of *all* possible claims, rebuttals, moves and countermoves that might conceivably feature in such debates, it does suffice to convey the most salient, and most common, of these. In short, if one finds it helpful, it may be supposed that it is roughly this same dialectic that has transpired here.

has become convinced that omnivorism is *indefensible* (if that were the case, there would be no disagreement!); rather, it is only to say that his confidence on this score has been significantly diminished.<sup>64</sup> Finally, on the assumption that it is largely the fact of their mutual recognition of one another as epistemic peers that explains why each has become less confident, and less secure, in their respective views, let us now suppose that our interlocutors at last find themselves considering the merits of a mutual suspension of judgment, as the epistemologically appropriate response to their situation. More to the point, let us suppose that each is inclined to accept, at least for the sake of argument, that this is indeed an appropriate response. What next? Where does this leave them? Where (if anywhere?) might their discussion go from here?

The first question to ask—also, I think, the most important—is surely whether this response is *itself* likely to be viewed by both vegans, and non-vegans, as an acceptable resolution, or at least temporary recess, to the debate at hand. The short answer, no doubt unsurprisingly, is: it depends. Specifically, it all depends on what one believes *follows* from the suspension of judgment. Suppose, for example, the omnivore

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<sup>64</sup> Perhaps, e.g., to the point that it now stands, at best, as a sort of lingering suspicion, intuition, or ‘hunch,’ that omnivorism (probably) can *in principle* be defended, notwithstanding the fact that he was not *himself* able to actually articulate such an account to his own satisfaction (much less his interlocutor’s) in the course of the preceding exchange. On the other hand—and this amounts to much the same thing—we might suppose that the omnivore’s confidence on this score (such as it is) is now primarily based on an equivalent *feeling*, or hunch, that his interlocutor’s arguments, though compelling and distinctly difficult to counter, are nonetheless problematic in some subtle, yet crucial, sense; in particular, a sense that, ‘in principle,’ may yet (one day!) be revealed.

were to cite the *very fact of the suspension of judgment* as itself justification for his or her continued omnivorism. Consider (they might say): “It is true that, in regarding you as an epistemic peer with whom I—by all accounts intractably—disagree, I have elected to suspend judgment as to whether or not veganism is a moral imperative. Perhaps it is; but then, perhaps it isn’t. In view of this indeterminacy, however—though it is actually *not* epistemically appropriate to hold a variety of *views* about this (given that there surely is, indeed *must* be, a moral fact of the matter here)—it *is* nonetheless morally permissible to lead a variety of *lifestyles* (including omnivorism), *given* the epistemic state of play; meaning, *given* our ‘equipoise-induced’ mutual acceptance that neither of us *knows* what the (moral) fact of the matter here actually is.” The appropriate vegan response to this, it seems to me, is as follows.

“Granted, the term ‘reasonable’ in ‘reasonable disagreement,’ would seem to be a highly charged, morally loaded term. Let us, then, proceed to use the phrase ‘peer disagreement’ instead. Moreover, though I am, in fact, strongly inclined to ‘stick to my guns’ about this issue anyway [more on this later], I am prepared to accept, at least for the sake of argument, that the appropriate thing to do *may* be to suspend judgment. The biggest problem I have with this concerns what you suggest, I think wrongly, this amounts to in practice with respect to your continued omnivorism. To better illustrate what I take the problem to be with this, first consider an entirely different context of debate within which, let us suppose, you and I intractably disagree: the debate between

dualists and physicalists in the philosophy of mind<sup>65</sup>. The question at hand, then, is this: is phenomenal consciousness physical or non-physical? To be sure, there has to *be* a fact of the matter to this question—just as there has to *be* a fact of the matter to ours<sup>66</sup>—and yet, despite the enormous amount of ink spared in the course of trying to investigate it, there remains, alas, no clear answer one way or the other—and thus the investigation will continue. But what should we *do* in the interim? To make the point more vivid, suppose that you are a physicalist, while I am a dualist; suppose further that, as with our debate about veganism, we regard one another as epistemic peers in this domain as well. By parity, it would seem that we should likewise suspend judgment here, as the epistemically responsible thing to do. But now we must ask: is this also the *morally* responsible thing to do?

This is, of course, the point at which we realize that something has gone wrong in our reasoning. Simply put, it is not at all clear what we could even take ourselves to be asking about in pressing the second question. After all, there is arguably very little in the way of practical-behavioural (e.g. consumptive) normative implications that follow from the possible truth of one prospective account of the metaphysics of consciousness

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<sup>65</sup> Note that I do I mean to suggest that this is a debate that *must* be regarded as evidentially/argumentatively absolutely neck-and-neck. It suffices for my purposes that someone could, it seems to me, plausibly come to see it this way.

<sup>66</sup> Here I assume that neither the vegan nor the omnivore is an error theorist.

(say, dualism) *contra* another (say, physicalism). In other words, our debate and disagreement in this domain does not so much center upon a *practical problem* as it does a *philosophical puzzle*. One useful way to help bring out this point, perhaps, would be to attend to the distinction between theoretical reason/reasoning on the one hand, and practical reason/reasoning on the other. Very roughly, the former is a matter of an agent's deciding *what to believe* (i.e. it concerns deliberation about and upon one's own doxastic attitudes); the latter, by contrast, is a matter of an agent's deciding *what to do* (i.e. it concerns deliberation aimed at the question of what, in some context or other, is the right thing to do, or how one should act). Granted, in moral matters especially, practical reason often accompanies, or even follows from, theoretical reason, in the sense that normatively substantive beliefs will generally imply that certain actions ought to be carried out, while others ought not. The hypothetical debate we are imagining ourselves as having now, however (concerning the metaphysics of mind), is firmly located in the domain of theoretical reason; as such, having elected to suspend judgment here, there really is no further, practical question to be raised (at least not one with any clear *moral* implications<sup>67</sup>).

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<sup>67</sup> One decidedly practical, albeit fairly banal, question here would be when (if?) and how the disputants should revisit their debate in the future.

The debate between ethical vegans and omnivores, however, is crucially different. To ethical vegans, the question of whether/how we use non-human animals is *not* (at least not *firstly*) a philosophical puzzle (though there are, to be sure, philosophically puzzling aspects to it at times); rather, this is a fundamental moral matter. Indeed, for many ethical vegans (myself included), it is a question of *justice*. Granted, there are some definite parallels between our disagreement here, and that between our hypothetical dualist and physicalist selves. After all, careful, principled argument seems to have carried us only so far; specifically, it has carried us far enough that we have come to *understand* one another's positions very well (at least, intellectually speaking), even though it has yet to take us all the way to a repudiation of one of our views, and our mutual acceptance of the other. Is it, then, the epistemically responsible thing for us to suspend judgment on the matter? Again, as I indicated above, I for one am in fact strongly inclined to 'stick to my guns;' but never mind that for now. Rather, suppose I grant for the sake of argument that we *should* suspend judgment. What then? Or, I should say, what *next*? More to the point, though 'epistemically responsible' (let us say), what is the morally responsible thing for us to actually *do*, as we continue to live our lives, from this point forward? Unlike the hypothetical case about the metaphysics of consciousness, this is one in which the question finds purchase; moreover, this is, I think, one in which you and I (indeed, vegans and omnivores generally) find common



ground: namely, we both believe that one ought not to inflict wrongful harm.<sup>68</sup> Granted, since we have suspended judgment as the epistemically responsible thing to do, we have thereby conceded that (among other things), in regards to the question of whether the indisputably harmful ways in which we, as a society, have long treated non-human animals is, or is not, wrongful, the answer is unclear. That said, you do accept that (a): there *is* an ethical fact of the matter to this question; and (b): that this is even something that, in principle, we may one day determine. To that extent, it seems trivial to note that you also accept that your current consumptive choices either are, or are not, wrongfully harmful. Non-trivially, however, I take it that this means that you should also accept that, by your own lights, you really do not (at least not *yet*) actually *know* which of these it is. Thus, it seems to me, you face an important practical, indeed *existential*, choice: either continue on with your omnivorism, or go vegan, at least in the interim. What can be said for the former option? Well, we might say something along the lines of: ‘omnivorism is the appropriate default; this is what has always, or nearly always, been. Omnivorism is thus antecedently justified. Those who would radically challenge the existing paradigm/status quo bear the burden of proof. Even supposing that we were to discover one day that omnivorism actually is not morally justifiable, it

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<sup>68</sup> Note, if one’s interlocutor disputes even this, there is really very little to say in response. In any case, this is, I submit, arguably *not* something over which people can reasonably disagree (however this term is philosophically fleshed out).

wouldn't follow that one's past omnivorism was *then* (i.e. retroactively) morally impermissible, even though one's *continued* omnivorism surely *would* be. In simplest terms, all is (morally) well, unless conclusively shown otherwise.'

This is, I submit, about as manifestly terrible an argument as one could possibly come up with in this debate; in any case, in recognizing you *as* my epistemic peer, your acceptance of such an argument is something I feel I can confidently rule out. That said, it is at least theoretically possible that there might be other responses that one could go on to develop here by way of defending one's continued omnivorism during what one has *already* admitted is a morally unclear interim, though I confess that I cannot myself conceive of what these might be. On the other hand, there is what we might think of as the Pascalian response.<sup>69</sup> Consider: since (a) you accept that our use of non-human animals either is, or is not, wrongfully harmful (i.e. you grant that there is, indeed must be, *a* fact of the matter here); and (b) you are genuinely unsure about whether your own consumptive choices and actions in this respect are wrongfully harmful (which, again, is simply the upshot of your decision to suspend judgment), (c) why not err on the side of moral caution and go vegan, at least in the interim? Indeed, this is asking much, much less than what Pascal recommends concerning belief in the existence of God (unless you're a doxastic voluntarist), since you need not *believe* that the ethical

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<sup>69</sup> I am grateful to Josef Simpson (Ph.D., philosophy, Johns Hopkins University) for first stimulating this line of thought in an unrelated discussion.

facts of the matter really do fall in favour of veganism—rather, you need only *act* as if they do, and as you *already* grant that they might. If it turns out that, in the end, you might have non-wrongfully remained an omnivore all along, well, so what? So you’ve missed out on some of the gustatory pleasures associated with this (but then, you would likely also have discovered many new ones). Suppose, rather, that it turns out that omnivorism actually would have been wrongful all along. Wouldn’t this be appalling, even devastating news (assuming, that is, you elected *not* to go vegan in the interim)? Isn’t this prospect alone enough to motivate going vegan, at least for those omnivores who, like you, are inclined toward the ‘mutual suspension of judgment’ response to peer disagreement?”

To best appreciate the full force of the Pascalian argument as it bears on the present debate, it is helpful to bear the following two questions in mind: first; (a), who bears the burden of proof here (and, therein, what kind of burden it is); and second (b), who (if either) is *mutually regarded* as bearing it? In order to answer these questions, consider first that, from the vegan’s perspective, being vegan is viewed as trivially morally permissible since it is, in the first instance, understood to be morally necessary (i.e. nothing could be morally necessary without in the very least being morally permissible). From this same perspective, however, the omnivore’s diet and lifestyle is regarded as morally impermissible (and, thus, trivially not morally necessary). Now consider the omnivore’s perspective: presumably, though no self-reflective, morally

serious omnivore could fail to regard omnivorism as, in the very least, morally permissible; few, if any, would regard it as morally necessary (indeed, to suggest that omnivorism is, or even might be, morally non-optional would be an extremely odd claim to say the least; nor is it at all clear on what such a claim could possibly depend for its sense or its force). From this same perspective, however, consider the following: though the moral *necessity* of veganism is obviously not affirmed by the omnivore (however vigorously—or perhaps tepidly, as the case may be—one denies this in any particular context of debate), veganism is, nonetheless, almost certainly going to be acknowledged [by the omnivore] as morally permissible. Indeed, it is certainly no less difficult, and it may actually be *more* difficult, to make sense of how and why anyone could seriously assert that ethical veganism is morally *impermissible* than it is to make sense of how and why anyone could seriously assert that omnivorism is morally necessary. After all, veganism is, by its very nature, a policy of abstinence and avoidance, motivated, above all, by an aspiration to *not* materially contribute to the suffering and death of non-human animals. As such, bracketing for the time being the question of whether or not one morally *must* be vegan, there simply is no analogous question here—i.e. analogous to that which we *do* find in the omnivore case—regarding whether or not one morally *may*.

With these points in view, we are now in a position to consider: (a) who bears the burden of proof in this debate (and why?); and (b) what does this burden amount

to? There would seem to be two possible answers,<sup>70</sup> the first of which would be to claim that it is vegans who bear the burden of proof: specifically, the burden of establishing that veganism *really is* morally non-optional, as opposed to being merely morally permissible. On the other hand, we might instead suppose that it is, in fact, omnivores who bear the burden of proof: namely, that of defending the claim that their diet and lifestyle is even so much as morally permissible (i.e. that it is not, as vegans maintain, morally *impermissible*). Recall, now, that we are posing this question *from the standpoint of an argumentatively-induced suspension of judgment between mutually regarding epistemic peers*. With this in mind, it seems clear that we should conclude that it is the latter perspective—i.e. that from which the omnivore is judged to bear the burden of proof—that *both* sides of the debate have the most reason to accept as authoritative: after all, if the hypothetical omnivore in question unreservedly affirmed the belief that their omnivorism *is* morally permissible, then they would hardly have accepted suspension of judgment as the appropriate response to the impasse with the vegan in the first place. More to the point, and as we have already seen, the decision to suspend judgment regarding the salient question—i.e. whether the harm that we cause non-human animals by using them as resources and commodities is, or is not, wrongful—*just is*, from the omnivore’s perspective, to concede uncertainty as to whether or not

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<sup>70</sup> Excluding, that is, the notion that *neither* does; that there simply *is* no burden of proof to be borne.

one's omnivorism is permissible. Simply put, if one *knew* (or, better, judged oneself to know) that this harm was not wrongful, one would also know that omnivorism was permissible, since these claims are, in essence, one and the same. This, however, is precisely what the omnivore in our example judges himself *not* to know. Now, granted, it is also, *ex hypothesi*, what the *vegan* in our example judges herself not to know (i.e. by suspending judgment, the vegan concedes uncertainty regarding the same question). The crucial difference, however, is that *neither side takes this to be an epistemic sticking point whose outcome bears on the moral permissibility of veganism*; while both sides *do* take it to be *exactly that* with respect to omnivorism—in view of which, I submit, unless and until the omnivore is able to discharge their justificatory burden and, thereby, resolve the epistemically unclear interim in their favour, going vegan is the morally safe bet.

## 2.2 Epistemic peerhood and deep disagreement: a closer look

To recap; the previous section was primarily intended to help demonstrate the argumentative weakness of the ‘mutual suspension of judgment’ reaction to peer disagreement *as* advanced by the omnivore as though this could somehow serve as a justification *in its own right* for remaining an omnivore—notwithstanding their lack of success at the (so to speak) ‘first-order’ level of the debate in which the goal was to persuade the vegan that omnivorism is morally permissible on its own terms (viz. *pre*

suspension of judgement). Indeed, as was just shown, the poverty of this strategy (as reckoned from the omnivore’s perspective, that is) is considerable, for it does not merely fail in its initial aspiration, it actually backfires, with veganism emerging as the morally safe bet. The practical upshot of this implication—of the Pascalian argument, in particular—is clear: ethical vegans have an obvious strategic interest in arguing for the suspension of judgment reaction<sup>71</sup> with those omnivores who (a) intractably disagree with them about veganism; and (b) who nonetheless regard them as epistemic peers<sup>72</sup>—the reason being, as we have just seen, that for all practical intents and purposes, this is a tie that vegans win.<sup>73</sup> Strategic considerations aside, however, it remains to be seen whether a mutual suspension of judgment *really is* the appropriate (viz. ‘uniquely rational’) response in cases of deep disagreement between epistemic peers, as opposed to one in which both sides simply hold fast to their respective views. To adequately explore this question we shall first have to examine the notion of epistemic peerhood more

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<sup>71</sup> Either that or simply deferring, at least for the sake of argument, to those omnivores who are already inclined to this reaction.

<sup>72</sup> Conversely (and for this very reason), omnivores might be said to have a compelling strategic interest in defending the ‘steadfast’ or ‘stick to your guns’ response in cases of deep disagreement with vegans whom they regard as epistemic peers. Though *prima facie* more promising, I will suggest, in section 4, that this response is not necessarily as firm and secure as it might seem to be at first.

<sup>73</sup> More precisely, though the vegan in our example likewise did not succeed at the first-order level of the debate (since the omnivore does *not* affirm that veganism is morally necessary *in the sense that* this is viewed as a direct consequence of his or her determinate disavowal of the moral permissibility of omnivorism); the vegan *does* succeed at the second-order level, in which the question instead becomes that of determining what the morally responsible course of action is for both, going forward, in the interim.

closely; only then will we be in a position to assess whether one, or the other, is ‘the’ uniquely rational response—or, indeed, whether there is any such thing.

## IN DEFENCE OF EPISTEMIC HUMILITY

To be sure, the phrase ‘epistemic peer’ is something of a term of art. Even so, philosophers who explore this notion, I would suggest, do not so much base their treatments on a universally accepted, precise analytic definition, as [they] presuppose a certain shared intuitive grasp of a concept with which most of us are familiar already. A rough and ready articulation of the term can be given as follows: two individuals are said to be ‘epistemic peers’ just in case each is roughly comparable to one another in terms of their general reasoning ability, sensitivity to evidence, possession of (relevant) information, and so forth. The following is a somewhat expanded definition from Thomas Kelly.

Let us say that two individuals are epistemic peers with respect to some question if and only if they satisfy the following two conditions:

- (i) They are equals with respect to their familiarity with the evidence and arguments that bear on that question, and
- (ii) They are equals with respect to general epistemic virtues such as intelligence, thoughtfulness, and freedom from bias.<sup>74</sup>

Consider, for a moment, Kelly’s very deliberate use of the phrase “with respect to some question” here, for this helps to bring out an important point; namely, that there are (at

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<sup>74</sup> Kelly, *Ibid.* p. 174



least) two very different senses in which this notion might be used or understood: one of which connotes a fairly open and permissive (I do not say ‘lax’) conception of ‘peer;’ while the other suggests a comparatively more restrictive, or even ‘topic-relative’ view. Another way to mark the distinction here would be to ask whether—or, perhaps better, *when*—epistemic peerhood should be thought of as a ‘global’ or *all-things considered* relation between individuals, as opposed to a ‘local’ or *domain-specific* one. The answer, perhaps unsurprisingly, is: it depends. One task, then, is to at least broadly differentiate the sorts of cases in which the notion is best viewed as a relatively *narrow* relational status between individuals (to be explained momentarily), versus those where there is in fact much to be said for treating it as a *wide* designation—that is to say, as a kind of *ceteris paribus* relation that can be said to hold between two (or more) persons over and above the fact that, e.g., one might be better at formal logic than the other, while the other is more adept at literary criticism, and so on. For our purposes, one question that presents itself right away is: which of the two is the better fit for cases of fundamental *moral* disagreement? I turn to this question now.

On the face of it, the biggest apparent problem that I see with opting for the narrow/domain-specific conception regarding fundamental moral disagreement is the (I think counterintuitive) implication that epistemic peerhood in this domain (i.e. moral discourse generally) is, perhaps, *extremely hard to come by*. A related, and equally compelling, reason to resist this characterization, one might think, is the similarly

counterintuitive implication that there are, or at least could be, ‘moral experts’ among us; or, less provocatively, that two or more individuals who are *otherwise* cognitively-analytically-intellectually comparably well-endowed might nonetheless differ, perhaps even radically, in their capacity for moral reflection and judgement. To better illustrate what I have in mind here, consider the following scenario: though it is of course true that, for example, the case of a musicologist undertaking to discuss, say, the finer points of flight technology with an aerospace engineer is *not* an instance of epistemic peerhood *with respect to the subject at hand* (this being a case in which the notion is best treated *narrowly*, as arguably reducible to the more basic idea of *shared expertise in the relevant domain of inquiry*—or, in this case, a lack thereof<sup>75</sup>); it seems clear that the *wide/other-things-being-equal* notion—roughly, a mutualistic apprehension of *comparable general intelligence and reasoning ability*—would be the more appropriate of the two should these same individuals instead find themselves discussing, say, the abortion controversy; the merits of so-called ‘strategic’ vs. ‘conscience’ voting (or even abstention); the moral legitimacy of unmanned military drone strikes; and so on. Importantly, this would seem to be the case *even if*, in the end, they find that they have reached a deliberative impasse,

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<sup>75</sup> Assuming, of course, the musicologist in question does not, say, moonlight for NASA at the Jet Propulsion Laboratory!

and are unable to persuade one another of (what they take to be) the more or less decisive merits of their respective (opposing) views.

Further to this same point, notice Kelly's use of the term 'equals' in the definition above. To be sure, this too is something of a term of art; and yet its meaning in this context is clear enough: two individuals need not possess the same highly specialized knowledge-base, technical or professional background, etc. in order to be properly considered epistemic 'equals' about a given matter of debate *unless* that knowledge-base is crucially relevant to the particular subject matter at hand. With this in mind, the musicologist and the engineer in our example should, other things being equal, be considered epistemic peers *vis-à-vis* the abortion controversy, issues of global justice, and the like.<sup>76</sup> The idea of epistemic 'equality,' then—at least for our purposes—is best

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<sup>76</sup> Two points: first; further to Kelly's first condition, should it turn out that the musicologist in our example has thought long and hard about the morality of abortion (i.e. s/he has read widely on the subject; has had numerous lengthy discussions about it with a variety of different individuals; etc.), while the engineer, by contrast, has given it only passing attention—this would then (arguably) become a case in which the musicologist possesses a relevant epistemic advantage over the engineer. (Of course, symmetry could easily be restored to the case if we simply imagine that the same goes for the engineer). The importance of this point will be brought to the fore of our discussion in Chapter 4.

thought of in terms of intellectual *parity*. This should not be taken to connote some form of, so to speak, epistemic isomorphism; on the contrary, the parity relation in question is *not* one of strict equivalence (much less identity) between, e.g., doxastic commitments, inferential moves, etc.—rather, it is a relation of *general symmetry*, typically—or, at any rate, most interestingly—accompanied by a mutual recognition of same.

A related reason for why we should endeavour to regard our interlocutors as our peers (at least initially), I would suggest, is precisely owing to the inherent *coarseness* of the concept on the *ceteris paribus* construal. Consider: since there will almost always be at least *some* doubt as to whether one’s interlocutor in a given context of debate *really is* an epistemic peer, there is also the question of how the *benefit* of this doubt

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Second; some might feel that there actually does exist an analogous ‘field of expertise,’ or ‘technical/professional background,’ that is epistemically significant when it comes to the sorts of issues just mentioned: namely, *philosophy itself*. Suppose, then, that instead of a musicologist debating a particular matter of, e.g., global justice with an aerospace engineer, it is a musicologist and a political philosopher; or instead of the musicologist and the engineer debating abortion, it is the engineer and an ethicist (perhaps even a bioethicist). Suppose, further, that all are broadly intellectually on par; e.g. all have approximately comparable IQ scores; all make a point of staying informed about current events; all are quite articulate, incisive, and capable debaters; etc. Ought we to say that, when the topic of conversation shifts to morality and/or politics, the engineer and musicologist should give more credence to the philosopher than to one another (and, indeed, to themselves)? Is there an analogous case to be made here for thinking that, just as the musicologist should defer to the aerospace engineer regarding flight technology, *so to* both should defer to the philosopher regarding controversial moral and political issues? I for one do not find this proposal all that tempting. In short, philosophers are not gurus; nor, it seems to me, do ethicists as a rule tend to behave better (‘live more ethically’) than anyone else. (Though I do not wish to pursue this line of objection here and now, the following is an engaging article that explores this issue in more depth: <https://aeon.co/essays/how-often-do-ethics-professors-call-their-mothers> )

should be apportioned therein. More to the point, since we are presently attending to the respective standpoints of the individual interlocutors themselves, the salient question is how this should be handled *from one's own perspective*. Now, at the risk of sounding overly cynical, there is, I think, a certain natural ease with which many of us are all-too-ready to simply help ourselves to the benefit of the doubt and assume an epistemic advantage in our own case that may not, in fact, exist. The upshot of this phenomenon when it occurs, of course, is quite the opposite of magnanimity; to be sure, the impression this tends to encourage in others—not least of all your interlocutor (assuming the epistemic advantage is not merely something that you discretely *believe* yourself to possess; but, more pointedly, is also something that you have actually *claimed* yourself to have)—is more likely to be perceived as a case of, so to speak, ‘clinging to one’s pride’ than ‘sticking to one’s guns.’ Needless to say, this does very little indeed to help nourish the reciprocal ideal of shared good faith (much less that of a joint commitment to the search for common ground) when debating (and defending) one’s view with others; indeed, it seems more likely to do just the opposite. In so many words; to deny that a person with whom one disagrees—by all accounts *intelligently*, if fundamentally—*really is* one’s epistemic peer seems, at least on the face of it, at best an overreaction, and at worst a somewhat petulant attempt to legislate argumentative victory by descriptive fiat. The moral I have in mind here is that we should neither be too quick to deny, nor too slow to attribute, epistemic peerhood to our interlocutors (indeed, this is perhaps *especially* important in the case of those with whom we disagree deeply), for as Hobbes

reminds us, the temptation to the contrary is surely one of our baser, if all-too common, tendencies:

That which may perhaps make such equality incredible is but a vain conceit of one's own wisdom, which almost all men think they have in a greater degree than the vulgar, that is, than all men but themselves, and a few others whom by fame or for concurring with themselves they approve. For such is the nature of men that, howsoever they may acknowledge many others to be more witty or more eloquent or more learned, yet they will hardly believe there be many so wise as themselves, for they see their own wit at hand and other men's at a distance.<sup>77</sup>

In keeping, then, with what we might call the “Hobbesian humility principle” (HHP), I would suggest that in the majority of cases of intelligent moral disagreement we are in fact better off, all else being equal, proceeding on the assumption that our interlocutors really are (our) epistemic peers. Put otherwise, unless there is some obvious, or at any rate compelling, reason to suspect that the person with whom we find ourselves in disagreement is *not* our peer<sup>78</sup>, we should, so much as possible, err on the

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<sup>77</sup> Hobbes, Thomas. “Of Man, Being the First Part of Leviathan.” Vol. XXXIV, Part 5. The Harvard Classics. New York: P.F. Collier & Son, 1909–14; Bartleby.com, 2001. Chapter XIII: “Of the Natural Condition of Mankind as Concerning Their Felicity and Misery;” para. 2

<sup>78</sup> Suppose, e.g., that you are the aerospace engineer in the example above; now suppose that the musicologist with whom you've been amiably discussing 1980's films with has now, for some reason or other, taken it upon herself to convince you that the structure and aerial manoeuvrability of, say, the flying *DeLorean* in *Back to the Future: Part 2* is in fact quite consistent with actual real-world physics. Clearly, your technical expertise in this example is highly epistemically relevant to the subject at hand; more to the point, this places you in an epistemically superior position to your interlocutor. Hence, your rejection of the musicologist's status as your epistemic peer *on this point* betrays no breach of epistemic humility on your part (the same cannot be said, of course, of the musicologist in this example!) Less comically, suppose that you have it on good authority that, with respect to the matter at hand (whatever this happens to be), your interlocutor is, for one reason or another, a consistently poor judge of evidence. Needless to say, epistemic humility does not, and ought not, imply that you should regard your interlocutor in this scenario as your peer nonetheless.

side of caution and assume that peerhood obtains—for this is also to err on the side of intellectual charity, an ideal whose importance to serious, good-faith discourse can hardly be overstated. Nor is this going above and beyond what we already expect of others in return; on the contrary, this is the least we can do.

## 2.3 Equal weight, extra weight, or ‘right-reasons’?

### SETTING THE STAGE

Two people: comparably intelligent, thoughtful, and analytically-oriented; both of whom, moreover, value clarity, rationality, and intellectual rigor in the formation of their beliefs and opinions very highly, and, let us say, to an approximately equal degree; neither of whom is prone to bias, credulity, or to dismissing evidence or argument lightly. Suppose that you are one of the two. Suppose further that you regard the other person as being about as good as you take yourself to be at judging the truth of some claim or other, given comparable access to the same body of evidence, argument, and opinion that bears on the claim, *and vice versa*. In other words, suppose that you each regard one another as being about equally likely to be correct (or mistaken) about the matter at hand. Finally, suppose that, having completed your respective assessments of the evidence and

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Finally, it is important to note that the prospect of denying domain-specific ‘narrow’ epistemic peerhood (or better, *parity*) in one case or another need not amount to a wholesale denial of epistemic peerhood toward the individual as such. The individual could still be someone you (rationally and consistently) regard as your epistemic peer in the wide/all-things-considered sense... even though you judge yourself to be epistemically better off *vis-à-vis* some particular issue or point of contention.

arguments on the table<sup>79</sup>, you then proceed to debate and discuss your findings with one another, ultimately converging on the surprising discovery that you have reached opposite (or at least incompatible) conclusions. How, if at all, should this disagreement factor into your own subsequent deliberations? What bearing, if any, does (or should we say, *ought?*) this have on your continued confidence in your own judgement about the matter under scrutiny? How much *weight* (if any) should you give to the other person's contrary assessment?

### EQUAL WEIGHT

According to one popular view—called, unsurprisingly enough, the “equal weight view”—you should give the other person's assessment the *same* weight as your own (and *vice versa*). This is thought to follow from the fact that, *ex hypothesi*, you and your interlocutor in this example are epistemic peers. In fact, it is more than that: given our description of this particular hypothetical case (and, to be sure, the vast majority of such cases one finds in the literature on disagreement), it is not *merely* (and perhaps not even largely) the fact that you and your interlocutor *are* epistemic peers that supports the equal weight verdict; for this is also supported by the fact that this is, in addition, the way that you *regard* one another.

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<sup>79</sup> For simplicity's sake, let us also assume a ‘that's all’ clause here, such that the evidence and argument that each has access to is (more or less) complete and exhaustive *vis-à-vis* the claim/topic under discussion.



The reasoning behind the equal weight view is historically long-standing and intuitively quite powerful; indeed, so much so that even its foremost contemporary opponent, Thomas Kelly, has remarked, “If any view deserves the title of the “View to Beat,” it is this one.”<sup>80</sup> At bottom, the chief sin that proponents of the equal weight view tend to perceive their detractors as committing is that of *arbitrariness*; more precisely, according to this view, if one *sincerely* views one’s dissenting interlocutor *as* an epistemic peer, one *must*, on pain of irrationality, retreat to an attitude of agnosticism about the disputed matter. Failure to do this is thought to reduce to either of the following two (equally unsavoury) explanations: either you do not *really* regard your interlocutor as your epistemic equal after all (i.e. notwithstanding whatever ‘lip service’ you may, or may not, pay to this notion as a dialectical ideal worth striving for); or else you *do* regard the other person as an epistemic peer, but are guilty nonetheless of *arbitrarily privileging your own view* (e.g. because it is *yours*). To better appreciate the force of the arbitrariness intuition, consider the following remarks from Sidgwick:

... the denial by another of a proposition that I have affirmed has a tendency to impair my confidence in its validity... And it will be easily seen that the absence of such disagreement must remain an indispensable negative condition of the certainty of our beliefs. For if I find any of my judgements, intuitive or inferential, in direct conflict with a judgement of some other mind, there must be error somewhere: and if I have no more reason to suspect error in the other

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<sup>80</sup> Thomas Kelly, “Disagreement and the Burdens of Judgment,” in *The Epistemology of Disagreement: New Essays*, eds. David Christensen, Jennifer Lackey (Oxford University Press: March 1, 2016), p. 35

mind than in my own, reflective comparison between the two judgements necessarily reduces me... to a state of neutrality.<sup>81</sup>

It is also important to note that the equal weight view does not endorse a form of, call it, ‘agreeing to disagree.’ On the contrary, assuming the disputed matter at hand is mutually judged to be truth-apt at all, the equal weight view arguably says that two individuals who regard one another as epistemic peers *may not* ‘agree to disagree,’ for doing so would be for each party to invest arbitrarily in the belief that their own view is correct (or, at least, is more likely to be shown to be correct, at some unspecified point in the future), despite the fact that someone they (ostensibly) regard as their intellectual equal explicitly rejects it. Agreeing to disagree, then, is by its very nature a kind of second-order attitude that two or more parties might jointly adopt toward the first-order phenomenon of their actual disagreement: in other words, you can’t have the former without the latter. *If* the first-order disagreement persists, however, then this can only mean that each disputant continues to affirm (what they take to be) the comparatively greater merit (plausibility, likelihood, *correctness*, or what have you) of their respective conclusions—which is plainly not consistent with each viewing the other’s contrary assessment as deserving of *the same weight* as their own.

Of course, ‘agreeing to disagree’ is also a quite familiar ordinary locution; specifically, one that we tend to employ from time to time when we wish to exhibit a

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<sup>81</sup> Henry Sidgwick, *The Methods of Ethics*, (Cambridge; Hackett; 1981), p. 342

certain attitude of magnanimity, or even grace, toward our interlocutor, despite our belief that they are mistaken. However, one need not regard one's interlocutor as an epistemic peer in order to do this (nor, for that matter, as a condition of its being the case that one *ought* to do this). Granted, two or more intelligent and well-intentioned individuals might well 'agree to disagree' about some disputed matter or other, but this would merely indicate that the individuals in question do not *in actuality* regard one another as peers (at least with respect to the matter at hand; though perhaps generally as well)—either that, or it suggests that they do not actually regard the matter under discussion as *a matter of fact*; which is just to say, as properly the sort of thing about which it makes sense to think that one could even so much as *have* a 'right,' 'wrong,' 'true,' 'false,' 'correct,' or 'mistaken' belief in the first place.<sup>82</sup> Or so, at least, proponents of the equal weight view would have us believe.

In sum, the equal weight view asserts the following: insofar as we antecedently regard an interlocutor as an epistemic peer—i.e. as someone who we believe would, if given comparable access to the same body of evidence and argument related to a given hypothesis/claim/question, etc., be *as* likely as we take ourselves to be to judge correctly therein—we thereby rationally commit ourselves to accepting that, in the hypothetical

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<sup>82</sup> To return to an example from the previous chapter: consider the belief that, e.g., Vaughn-Williams' 5<sup>th</sup> symphony is lovelier than his 4<sup>th</sup>. Though this is surely a respectable, and even defensible, position to take toward the two pieces; it is not obviously, or at least not straightforwardly, a matter of fact.

event that our interlocutor should arrive at a judgment that is contrary to our own (on the basis of the same body of evidence and argument), the probability that we are correct and s/he is mistaken is *equal* to that of the converse. The alternative—that is to say, believing it *more* likely that, post-disagreement, we ourselves are the ones with the truth on our side—is merely to betray the fact that this was actually something that we judged to be the case *all along* (albeit, perhaps, only subconsciously): in other words, it is to reveal<sup>83</sup> that we do not *really* believe our interlocutor to be our epistemic equal—if we did, we would appreciate that *the mere fact of disagreement* is not sufficient by itself to upset the symmetry that we judged previously to prevail. Thus, on pain of irrationality, inconsistency, insincerity—or worse: the epistemic ignominy of having to confess mere brute faith in one’s own view (or perhaps all of the above)—the uniquely rational response to peer disagreement is to suspend judgment.

Whatever its first-blush intuitive appeal, the equal weight view seems also to involve a rather counterintuitive consequence. For assistance in stating this worry, I turn to a particularly instructive passage from Adam Elga, which deserves to be quoted in full.

Consider an issue on which you count many of your associates as epistemic peers. If the issue is at all tricky, your peers undoubtedly take a wide spectrum of stances on it. (This is especially true if your peers are philosophers.) The equal weight view then requires you to weigh each stance equally, along with

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<sup>83</sup> Perhaps even to ourselves.

your own. But that requires you to think, of each stance, that it is very unlikely to be right. Typically, it will follow that you ought to suspend judgment on the issue. Since it seems that you are in this circumstance with respect to a great many issues, the equal weight view requires you to suspend judgment on all of these. Do you have any convictions on controversial political, philosophical, or scientific matters? The equal weight view seems to say: kiss them goodbye. It is implausible that rationality requires such spinelessness (Pettit 2005, Van Inwagen 1996).<sup>84</sup>

In other words, the equal weight view appears to suggest that, on pain of irrationality, we must suspend judgment about virtually everything that is interesting, controversial, important—in short, *worth* talking about.<sup>85</sup> To his credit, Elga, an advocate of the equal weight view, takes the need for a strong defence of the position—particularly in light of an objection as potentially damning as this one—very seriously. In what follows, however, I will suggest that the particular solution to this objection that he goes on to propose leaves much to be desired.

Elga begins his response by deploying what he clearly intends will serve as an all-important distinction: namely, that between what he calls “clean, pure cases [of disagreement]” on the one hand, *contra* “messy real-world cases,” on the other. The relevant difference between the two begins with his observation that the former are such as to make it seem that the equal weight view is obviously correct, while the latter are such as to make it seem obviously absurd. So far, so good. The example he gives of a

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<sup>84</sup> Adam Elga, “Reflection and Disagreement,” in *Noûs* 41:3 (2007) pp. 478-502. p. 484

<sup>85</sup> Elga, *Ibid.* Paraphrase

clean, pure case is a complicated multiplication problem in which two people disagree about the correct answer. Now, assuming that these individuals are comparably competent in the domain of arithmetic—and, more to the point, assuming that they *judge* one another to be equally likely to get the right answer to this particular problem—the equal weight view recommends that they should suspend judgement. Fair enough. Next—and surely more interestingly—consider the variety of different conflicting opinions on a given concrete moral or political issue taken by those you consider to be your intellectual equals: i.e. by those individuals whom you consider to be about as thoughtful, well-informed, conscientious, and critical as you take yourself to be. Here the equal weight view seems to recommend that you should suspend judgment not merely about the particular issue at hand, but also, by extension, regarding every other such controversial issue about which your peers happen to hold differing opinions. Intuitively, this is unacceptable.

Elga endeavours to avoid this unwelcome implication in the following way. Consider, first, the case of the multiplication problem: here there is the possibility of what he calls *independent peer evaluation*. Elga's use of this phrase is meant to refer to the prospect of assessing an interlocutor's relevant epistemic credentials in a way that abstracts from, on the one hand, *each* person's substantive opinion about the particular matter at hand (i.e. including one's own opinion), but also from those opinions concerning what each regards as closely related matters as well. In clean, pure cases,

Elga suggests, this is relatively straightforward. In the case of the multiplication problem, for example, neither individual's assessment of their own, nor the other's, likelihood to determine the correct answer is "based on any particular view on the value of [the particular problem], or on answers to similar multiplication problems."<sup>86</sup> Indeed, all that one need normally attend to when judging peerhood (or a lack thereof) in such cases is, e.g., the other person's overall track-record of right vs. wrong answers to mathematical problems *in general*; what (if any) relevant training they might have received (and, of course, how this relates to your own), and so on.<sup>87</sup> In sum, it is generally possible in clean, pure cases such as this one to treat the particular instance of disagreement in more or less 'one-off' terms; that is to say, as the vexing, but hardly mysterious, result of an unregistered error in reasoning on the part of one or the other of two equally-matched, comparably reliable, evaluators. This is so, Elga stresses, because here "[o]ne is in a position to count one's associates as peers *based on reasoning that is independent of the disputed issue*."<sup>88</sup> Crucially, because this sort of independent peer evaluation is possible in such cases, where and when peerhood *is* judged to obtain, there is little temptation for either side to doubt the other's epistemic stature in the relevant domain simply and solely on the basis of any particular disagreement that might

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<sup>86</sup> Elga, Ibid. p. 492

<sup>87</sup> Elga, Ibid.

<sup>88</sup> Elga, Ibid. Italics in original.

ensue in that particular case. Hence, there is no rational basis in such cases by which either party might attempt to justify the belief that they are more likely to have gotten things right than their peer.

Messy real-world cases, on the other hand, are an altogether different matter; or so, at least, Elga maintains. The salient difference between these sorts of cases and the clean, pure ones, we are told, is that here independent peer evaluation of the sort just described is typically not available. As Elga explains, here there really is no (or, at any rate, very little) prospect for prescindning either from one's own, or an interlocutor's, substantive view of the *particular* matter under discussion, nor, indeed, from those held concerning the many other issues one judges to be *closely related* to the matter under discussion. The reason being that when it comes to these kinds of issues (paradigmatically, issues which are moral, political, or social in nature), our opinions about one tend to be *essentially* bound up with our opinions about others. As he puts it,

... [I]n the messy cases, one's reasoning about the disputed issue is tangled up with one's reasoning about many other matters (Pettit, 2005). As a result, in real-world cases, one tends not to count one's dissenting associates—however smart and well-informed—as epistemic peers.<sup>89</sup>

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<sup>89</sup> Elga, Ibid. p. 492



On the face of it, this might seem a somewhat startling, or even depressing, claim. Indeed, we might even think that Elga's response here is more or less just to recommend that we simply impale ourselves on the first horn of the dilemma we considered earlier: i.e. to frankly admit that, when push comes to shove (in the 'messy' real world, at least), it turns out that most of us actually do *not* hold our intelligent interlocutors in quite the epistemic esteem we might like to think we do. To further motivate this proposed solution—also, one assumes, to help allay the rather negative sheen of the impression we just noted—Elga offers the following example, which deserves to be quoted in its entirety.

[C]onsider Ann and Beth, two friends who stand at opposite ends of the political spectrum. Consider the claim that abortion is morally permissible. Does Ann consider Beth a peer with respect to this claim? That is: setting aside her own reasoning about the abortion claim (and Beth's contrary view about it), does Ann think that Beth would be just as likely as her to get things right?

The answer is “no.” For (let us suppose) Ann and Beth have discussed claims closely linked to the abortion claim. They have discussed, for example, whether human beings have souls, whether it is permissible to withhold treatment from certain terminally ill infants, and whether rights figure prominently in a correct ethical theory. By Ann's lights, Beth has reached wrong conclusions about most of these closely related questions. As a result, even setting aside her own reasoning about the abortion claim, Ann thinks it unlikely that Beth would be right in case the two of them disagree about abortion.

In other words, setting aside Ann's reasoning about abortion does not set aside her reasoning about allied issues. And by Ann's lights, the accuracy of an advisor's views on these allied issues indicates how accurate the advisor is likely to be, when it comes to abortion. The upshot is that Ann does not consider Beth an epistemic peer with respect to the abortion claim.<sup>90</sup>

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<sup>90</sup> Elga, *Ibid.* pp. 492-493

Nor can the possibility of independent peer evaluation be salvaged in this case by simply ‘zooming out’ in our perspective on Ann and Beth: that is to say, by treating their larger, deeper, more fundamental disagreement about the entire *range* of related issues that each sees as germane to the morality of abortion as what is *really* at issue here. Consider: on the face of it, one might have thought that the onus that Ann and Beth each bear here—*qua* recognizing one another as comparably thoughtful, well-informed, intelligent, etc.—is actually to set aside their own reasoning about this entire cluster of issues, up to and including their individual opinions about how often, and how badly, the other has gotten things wrong therein.<sup>91</sup> After all, if it truly is the web-like mass of their respective opinions on these other related issues that ultimately results in their *specific* disagreement about the abortion claim, why not think that the two friends should simply concede agnosticism over this as well? More to the point, if and when this is done, each would then be in a position to see that neither of them is actually entitled to their erstwhile judgment that the other is less likely to have gotten things right about abortion; in which case peerhood *would* be judged to obtain, and the equal weight *cum* suspension of judgment verdict would go through.

As Elga explains, the problem with this proposal is that it ignores the fact that Ann’s and Beth’s respective peer evaluations of one another *vis-à-vis* the abortion

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<sup>91</sup> Paraphrase; see Elga, *Ibid.* p. 495 for a more thorough spelling-out of this strategy.

claim—that is to say; whether or not the other is *as likely as oneself* to get things right here—is not merely *informed* by, but is actually *constituted* by their individual reasoning about the other issues that make up the cluster; issues about which, *ex hypothesi*, *neither* believes the other to be epistemically on par. Thus, the idea of prescinding from *even these* considerations too is, as Elga sees it, a non-starter, for this would actually reduce us to a position in which there simply *is* no fact of the matter left regarding their respective epistemic opinion(s) of one another *vis-à-vis* the abortion claim; in other words, this would *not* be a situation in which each would judge the other to be equally likely to get things right—rather, given that we are here imagining a case in which each has, in effect, bracketed all knowledge about their own, and one another’s, reasoning in the relevant domain of inquiry, which of the two (if either) is more likely to judge correctly about the permissibility of abortion would, by their lights, be completely indeterminate. The equal weight view, recall, only pertains to cases in which two or more interlocutors *do* have determinate opinions of one another concerning their likelihood to judge correctly—specifically, opinions to the effect that each is about *equally* likely to judge correctly. In the amended version of the case we are imagining here, Elga suggests, neither friend would have enough (indeed, anything) to go on in carrying out such an evaluation; hence, whether they are, or are not, peers regarding the abortion claim would, from their perspective, be an open question.

Let's take stock. In essence, Elga's proposed solution to the so-called 'spinelessness objection,' is to suggest that it is not true that the equal weight view recommends suspending judgment about interesting, controversial 'real-world' issues, because in most such cases, the view does not properly apply—the reason being, we are told, that we tend not to count those who dissent from our opinions about such issues as epistemic peers. What are we to make of this? On the one hand, Elga's defence preserves the intuition that we need not (often) suspend judgment about controversial real-world matters; on the other hand, this comes at the price of our having to deny epistemic peerhood to even the most intelligent, well-informed, and critically-minded of those individuals with whom we disagree about same. On the face of it, this feels rather like dodging one bullet by way of biting another. Another potential complaint of Elga's handling of the 'messy, real-world cases,' it seems to me, would be to suggest that his account on this score seems implicitly to involve a rather dubious conflation of epistemic peerhood with *like-mindedness*. This, however, is not a suggestion I wish to pursue at this time. The point I should like to stress now, rather, is simply to observe that the case of Ann and Beth is, to be blunt, neither very interesting nor especially effective. I shall endeavour to explain.

For starters, let us grant, at least for the sake of argument that Elga's handling of this case succeeds *to a point*. Granted, there is surely some truth to his suggestion that the more 'error entries' one logs in one's mental ledger, so to speak, about an

individual with whom one finds oneself in frequent disagreement, the more one will be inclined to regard that individual as systemically prone to getting things wrong (at least concerning the particular domain of inquiry in which the errors are taken to predominate); and, thus, the more inclined one will be to doubt that the individual in question really is a peer. In the interest of fairness, we might also add to this point that this need not be seen as an automatic contravention of HHP either. The Hobbesian Humility Principle, recall, is merely the suggestion that, on balance, we are better off attributing epistemic peerhood to those interlocutors who strike us as being *prima facie* comparably intelligent, perspicacious, thoughtful, etc. Over time, of course—or, indeed, perhaps even in the course of a single eye-opening exchange—we may well come to (justifiably) revise our assessment of the individual in question, so long as this is done on the basis of what we sincerely judge to be appreciably compelling reasons (e.g. consistent errors on their part; a demonstrated lack of relevant expertise; or perhaps even something as simple as their saying something that we deem to be breathtakingly stupid). To be clear, I do *not* mean to fault Elga’s handling of the case of Ann and Beth on the grounds that it seeks, too quickly and too lightly, to vindicate our tendency to want to flatter ourselves by denying peerhood to those with whom we disagree. Again, though I do feel that this is at least one possible line of objection that *could* be raised against Elga, I also feel that there surely are times when we *are* justified in drawing the

conclusion that our interlocutor is not our epistemic peer<sup>92</sup> (whether or not the case of Ann and Beth is illustrative in this respect). The most significant problem with Elga’s discussion of Ann and Beth, rather, is simply that it contributes virtually nothing at all by way of resistance to/fortification against the most pressing form of the objection it seeks to address.

Consider: if two individuals do not actually regard each other as epistemic peers *in the first place*, then the equal weight view *trivially* does not advise suspending judgment (because the view doesn’t even so much as apply), and hence the ‘spinelessness worry’ does not even arise. Granted, Elga—and proponents of the equal weight view generally—may be content with such clarification as defence enough. I for one am not; the reason being that the stronger form of the objection, I submit, does not concern ‘easy cases,’ like that of Ann and Beth, in which epistemic peerhood does not even obtain<sup>93</sup>; rather, it concerns those genuinely *hard* cases in which two or more individuals *really do* regard one another as epistemic peers, *up to and including* their having broadly symmetric stances toward a whole range of inter-connected ‘messy, real-world issues.’ Surely *these* are the truly interesting, and tricky, sorts of cases, at least for the purpose of motivating the objection; and hence these are the sorts of cases that Elga would have

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<sup>92</sup> I explore this, and related questions, at length in Chapter 4.

<sup>93</sup> Or, more precisely, where this is mutually judged not to obtain by the interlocutors themselves.

been better off addressing—namely, those in which the disputants are actually in *agreement* about the majority of some array of moral/political/social issues, and yet find themselves surprisingly, starkly, fundamentally at odds with one another about a single issue (or perhaps some relatively small cluster of issues). *The moral permissibility of harming and killing non-human animals for human benefit*, for example. As it happens, this is about as illustrative an example of the sorts of cases I have in mind as any we are likely to find, for this is a debate in which many people who count one another as intellectual *and moral* equals in virtually all other respects can, and routinely do, find themselves fundamentally at odds.

Though Elga does not address the vegan-omnivore debate specifically, his remarks in the passage below allow us to confidently deduce what his recommendation would be in a case of *bona fide* peer disagreement therein: in short, that the disputants *should* suspend judgment.

In the above discussion it was assumed that the disagreement between Ann and Beth goes extremely deep—so deep that there is no common ground from which Ann could sensibly assess Beth’s basic political outlook. What about cases of less extreme disagreement? For example, suppose that Ann and Beth agree on a significant portion of their political outlooks, and disagree only on abortion and some closely linked issues. In that case, it may well be that Ann considers Beth a peer (or almost a peer) regarding the issues in dispute between them. If so, then the equal weight view does require Ann to give Beth’s view significant weight.

So in such cases—cases in which disagreement does not run so very deep—the equal weight view *does* entail suspension of judgment on controversial matters. But such cases only represent a small portion of cases of disagreement about

hotly disputed matters. As a result, the equal weight view does not require an implausible across-the-board suspension of judgment.<sup>94</sup>

On the one hand, Elga is simply affirming the courage of his own convictions here, and following the logic of his argument where it leads. This is admirable. On the other hand, the particular conviction in question can ultimately be paraphrased as the following claim: concerning cases of true peer disagreement about controversial matters, one actually should *not* affirm the courage of one's own convictions, since doing so would be irrational. Put otherwise, regardless of what we might like to *think* is intellectual courage in such cases, in the final analysis this is really just a kind of brute faith in one's own view. While I suspect, and will presently argue, that Elga is wrong on this score, I should perhaps also add at this point that, as philosophical mistakes go, this is one that I would be relatively happy to make—the reason for which, I suspect, should be only too obvious: *if* it turns out that Elga is right and suspension of judgment really is the uniquely rational response in cases of peer disagreement about controversial matters—up to and including the particular ‘controversial matter’ that has exercised us throughout this entire study—the Pascalian argument for ethical veganism, ‘waiting in the wings’ as it were, is poised to carry the day. Intellectual honesty, of course, trumps considerations of strategy; and thus I am obliged to confess that I do not find the equal weight view to be especially plausible on its own terms, notwithstanding its appeal on

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<sup>94</sup> Elga, *Ibid.* p. 497



these other grounds. This is not to say, mind you, that I feel that the view is altogether bankrupt, or utterly devoid of all insight; hardly. To be sure, upon learning that someone whom you regard as your epistemic peer—whose basic moral and political ‘worldview,’ moreover, is broadly aligned with your own—disagrees with you about something that you feel strongly, *and care deeply*, about, you absolutely *should* be given pause. In addition, you absolutely *should* be prepared not only to carefully re-examine your convictions, and the evidence and argument that led you to them; but also to discuss the matter thoroughly, and at length, with your dissenting associate. That being said, the notion that rationality *requires* you to either forfeit your continued confidence in your own view and retreat to an attitude of agnosticism (*even if*, upon careful consideration and debate, you find yourself still broadly inclined toward your initial assessment); *or* else to deny that your interlocutor really is your epistemic peer, is surely a false dilemma. Specifically, this is a false dilemma predicated on the dubious notion that conjunctions of the form: (a) “you are my epistemic peer;” and (b) “with all due respect, I think you are quite wrong” are in some sense inherently inconsistent. This is not obvious. Nor is it obvious to me how recommending agnosticism—*even* in the case where one has subsequently re-evaluated, and rigorously debated, their view—*purely* on the grounds that one has not (yet!) managed to persuade a dissenting peer to ‘come around’ is not still, for all intents and purposes, to advise a spineless retreat. False modesty is no more an epistemic virtue than blind faith; and while there will surely be times where the appropriate course of action—morally, epistemically, *and* practically

speaking—is to simply adjourn the matter, perhaps even indefinitely, this is something that can be achieved merely by ‘agreeing to disagree;’ a response which, it must be stressed, asks *neither* that we forfeit confidence in our own considered opinions, *nor* that we deny peerhood to those with whom we intelligently disagree.

Before we proceed to consider how the ‘steadfast’ or ‘stick-to-your-guns’ reaction to peer disagreement might be defended, I would like to briefly sketch one final difficulty with the equal weight view—one that, if I am right, is so engrained in the fundamental logic of the position as to threaten its very coherence. First, recall what this view asserts: namely, that in cases of *bona fide* peer disagreement, one is rationally obliged to suspend judgment about the matter in dispute. Fair enough. Notice, however, the rather serious dilemma this would seem to pose for any would-be defender of the view, specifically as regards the confidence, conviction, and overall philosophical investment *in the correctness of the view itself* that presumably<sup>95</sup> informs, and motivates, any such undertaking. In view of this, the question we must now ask is: what is the epistemic status of *this* judgment, as reckoned from the perspective of someone who (at least ostensibly) affirms it? In a word: *precarious*. Cutting right to the chase, the problem

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<sup>95</sup> Here I am deliberately excluding the possibility of someone who might wish to defend the view purely for, call it, intellectual sport, as a mere ‘for the sake of argument’ exercise. In short, the sort of individual I am imagining here is one whose considered judgment to the effect that the equal weight view is correct is *sincere*.

here is perhaps best put as follows: what exactly is the would-be defender of the equal weight view to do when s/he comes up against an epistemic peer that s/he is unable to persuade *regarding the merits of the equal weight view*? Alternately phrased: what are proponents of the equal weight view to do in light of the fact of peer disagreement... *about peer disagreement*? Take, for example, Elga's ongoing debate with Kelly about this, for this is a perfect case in point. Granted, as I do not know Elga personally, what I am about to say is, to a certain extent, speculative: even so, I would suggest that we may be quite confident here in assuming that the *easy* strategy of [his] simply denying peerhood to Kelly would, by his lights, almost certainly be dismissed as a complete non-starter—as well it should be. This just leaves the suspension of judgment—from which we are forced to conclude that it is actually a logical implication of affirming and defending the equal weight view that, when the argumentative going gets tough, one must ultimately give it up, *at least* insofar as one acknowledges the existence of epistemic peers in the ranks of those who reject the view. After all, a proponent of the equal weight view cannot very well hold fast to this view, doggedly continuing to assert its primacy, etc. *even* in the face of those intellectual equals who remain unconvinced, for this would only confirm the fact that the supposed advocate of this view is *actually* (and perhaps always was) a closet supporter of the opposing camp; namely, the 'stick-to-your-guns' view. Nor does it help matters to observe that the particular point of contention here about which the supposed supporter of the view might conceivably stick to his or her guns is actually just the propriety of the equal weight view itself. On the contrary;

to allow that this *does* make a difference would be to introduce a conspicuous and quite untenable double-standardism into the view itself. Put otherwise, there simply are no non-arbitrary, non-*ad hoc* reasons here for exempting [disagreements about] the view itself from its own strictures.

On the other hand, to follow the logic of one's own convictions here, *qua* advocate of the equal weight position, and suspend judgment is equally to forfeit one's ability to argue in support of the view, since the upshot of the suspension of judgment *in this case* just is to concede agnosticism about what the appropriate response to peer disagreement actually is. One way or another, then, the equal weight view is a position that requires its proponents to fall on their own swords. The range of options here is highly implausible: one must either deny peerhood to one's dissenting associates (up to and including, e.g., one's professional epistemologist colleagues); effectively refute one's own position by *not* suspending judgment; or else suspend judgment and, thereby, surrender the ability to argue cogently on behalf of *either* position (in other words, throw in the towel).

#### ‘RIGHT REASONS’ OR EXTRA WEIGHT?

The problems that beset the equal weight view are, as we have just seen, many and serious; in view of which it would be best if we could leave this view behind. To do so, however, we shall have to show how the alternative—the stick-to-your-guns view—can be seen to fare better, particularly in light of the chief objection that equal weight

supporters tend to raise against it: namely, that in cases of true peer disagreement (i.e. cases in which two or more symmetrically situated, mutually regarding epistemic equals reach conflicting verdicts about some question or claim), it is *arbitrary* (or, as some commentators prefer, *absurd*<sup>96</sup>) for either side to persist in believing their own assessment more likely to be correct than the other's. Fortunately, this is a challenge that can be met. I turn to this task now.

In an important paper, Thomas Kelly observes (I think rightly) that a great deal of the initial intuitive force that the equal weight approach to peer disagreement enjoys is actually an artefact of our (largely tacit) assumption of a kind of detached observer, or third-party on-looker, perspective. More precisely, Kelly suggests that since the outward impression of *symmetry* [in this or that particular case of peer disagreement] is all-but irresistible from this vantage, so too is our tendency to want to conclude that the

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<sup>96</sup> See Elga, *Ibid.* See esp. p. 487. Here he writes: "Suppose that ... you and your friend are to judge the truth of a claim, based on the same batch of evidence. Initially, you count your friend as an epistemic peer—you think that she is about as good as you at judging the claim. In other words, you think that, conditional on a disagreement arising, the two of you are equally likely to be mistaken. Then the two of you perform your evaluations. As it happens, you become confident that the claim is true, and your friend becomes equally confident that it is false.

When you learn of your friend's opposing judgment, you should think that the two of you are equally likely to be correct. The reason is the same as before. If it were reasonable for you to give your own evaluation extra weight—if it were reasonable to be more than 50% confident that you are right—then you would have gotten some evidence that you are a better evaluator than your friend. But that is absurd."

To reiterate, Elga's central point here is that the only 'evidence' one has in a case of peer disagreement that their interlocutor is the one who has made the mistake (or, equivalently, the only evidence one has in such a case that your friend is actually *not* epistemically on par with you *vis-à-vis* the matter at hand) is *the fact that they disagree with you*—which, as Elga sees it, is no evidence at all.

disputants *rationally must* (on pain of inconsistency, or groundless self-flattery) suspend judgment and retreat to an attitude of agnosticism. The evaluative propriety of this detached perspective, however, should *not*, he thinks, be treated as a mere given; on the contrary, Kelly argues that this is actually quite misleading—particularly since things can, and very often do, look quite a bit different from the standpoint of the individual disputants themselves (indeed, *notwithstanding* their mutual recognition of one another as epistemic equals). Kelly explains:

Consider how the situation appears from my perspective. Ex hypothesi, I admit that there are no objective criteria that make it antecedently more probable that I am more likely than you are to be correct on this particular occasion—I do not claim to be any smarter, a better reasoner, or to possess some relevant evidence which you lack. Given the acknowledged perfect symmetry of our positions, how can I possibly justify not giving equal weight to your considered judgment? After all, wouldn't this be the most rational course for some objective, on-looking third-party who knew nothing about our dispute other than the fact that it is two judges of equal competence and qualifications who disagree? Given this, wouldn't my failure to give equal weight to your judgment amount to a kind of epistemic arbitrariness on my part, an indefensible privileging of my own position for no other reason than the fact that it is my own?

However, the claim that things are perfectly symmetrical in such cases deserves further scrutiny. Indeed, to uncritically assume that things are perfectly symmetrical with respect to all of the epistemically relevant considerations in such cases is, I think, to subtly beg the question in favour of the skeptical view. For consider: I am no smarter than you are, no better at reasoning, no better informed, and (hence) no more fit to pronounce upon the issue at hand. So far, it is uncontroversial that things are perfectly symmetrical between us. Then a body of evidence is introduced, and we are asked to make a judgment about how strongly that body of evidence confirms or disconfirms a certain hypothesis. Suppose that, as it turns out, you and I disagree. From my perspective, of course, this means that you have misjudged the probative force of the evidence. The question then is this: why shouldn't I take *this* difference between us as a

relevant difference, one which effectively breaks the otherwise perfect symmetry?<sup>97</sup>

In answer to Kelly's final question here, a proponent of the equal weight view would likely respond by saying that one should not regard this as a sufficient symmetry-breaking difference for the simple reason that doing so would be tantamount to denying peerhood to your interlocutor simply and solely on the grounds that s/he disagrees with you. Again, since viewing your interlocutor as your epistemic equal is the result of an *ex ante* judgment, the *ex post* phenomenon of the (mere) fact of your disagreement does not by itself justify overturning your initial conception of the other person as your peer. Kelly's response to this is refreshingly straightforward, for it is essentially just to agree with this last claim, but to then clarify that revising—or better, *updating*—one's *ex ante* assessment of whether symmetry in fact obtains *in this or that context of disagreement* need not, and typically *does* not, entail that one can no longer rationally and consistently regard the person with whom one disagrees *as an epistemic peer*. On the contrary; I might perfectly well continue to regard you as my epistemic peer (and *vice versa*), says Kelly, despite my belief that you have gotten things wrong on this or that occasion, *vis-à-vis* this or that topic, question, or claim. Indeed, we might go even further here and say that there is a certain reciprocity that underpins the notion of epistemic peerhood,

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<sup>97</sup> Thomas Kelly, "The Epistemic Significance of Disagreement," in *Oxford Studies in Epistemology: Volume 1*, eds. John Hawthorne, Tamar Szabo Gendler (Oxford University Press: 2006. pp. 178-179

in that any two such individuals will mutually recognize and accept (and perhaps even anticipate) not merely that they will each be wrong from time to time, but, more importantly, that their ‘epistemic standing’ (so to speak) in the other’s eyes does not hang in the balance at every turn. To suppose otherwise, it seems to me, would be to implausibly conceive of epistemic peerhood as a kind of all-or-nothing, zero-sum game. Against this picture, recall the more course-grained, *ceteris paribus* construal of this notion that was sketched in section 2; whatever else can be said about it, this is surely more in keeping with how we *actually understand* the notion of intellectual parity in the real world. It is fitting that Kelly himself should be given the last word on this point.

[A] revision in my assessment of our relative levels of competence is in no way mandated by the judgment that one of us has proven superior to the other with respect to the exercise of that competence on a given occasion. Two chess players of equal skill do not always play to a draw; sometimes, one or the other wins, perhaps even decisively.<sup>98</sup>

Thus far, I find Kelly’s handling of the so-called ‘problem’ of peer disagreement to be admirable and compelling. Indeed, I think he succeeds handily in showing how it is that we may justly place ‘extra weight’ in our own considered judgments, even while continuing to hold constant the same level of overall epistemic esteem for our dissenting associates that characterized our initial impression of them. Granted, as was also touched on briefly during our discussion of Elga (particularly his somewhat unsatisfying handling of the spinelessness objection), there surely are situations in which *deep and*

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<sup>98</sup> Kelly, Ibid. p. 179



*persistent* disagreement with someone (especially concerning fundamental moral matters) *may* prompt us to revisit, and even overturn, this impression. When (and *if*) we do find ourselves in what we take to be such a situation, however, we would do well, I think, to regard the prospect of denying peerhood with caution, and even reluctance—particularly if the relationship in question is such that you and your associate are, on the whole, epistemically *and morally* in-step with one another in most (other) fundamental respects. Simply put, a *sincere* judgment that someone is your epistemic peer is not something to be cast aside lightly.

While I do feel that Kelly is essentially correct in his remarks up to this point, I would like now to offer some remarks as to what strikes me as a distinctly unfortunate—and quite unnecessary—direction in which he attempts to carry his account forward. The following passage provides a nice summary of what I will suggest is the offending move.

Of course, there is still the question of whether I am *correct* in thinking that I have done a better job with respect to evaluating the evidence and arguments than those with whom I find myself in disagreement. Suppose that they reason in a parallel way and conclude that *I'm* the one who has misjudged the evidence. On the present view, the rationality of the parties engaged in such a dispute will typically depend on who has *in fact* correctly evaluated the available evidence and who has not. If you and I have access to the same body of evidence but draw different conclusions, which one of us is being more reasonable (if either) will typically depend on which of the different conclusions (if either) is *in fact* better supported by that body of evidence. No doubt, especially in the kinds of cases at issue, it will often be a non-trivial, substantive intellectual task to determine what the totality of relevant evidence supports. Therefore, the question of which one of us is doing a better job evaluating the evidence will

often be a non-trivial, substantive intellectual question. But here as elsewhere,  
life is difficult. [Underlining added]<sup>99</sup>

Elga calls this the “right reasons” view. What are we to make of this? To be sure, life *is* difficult; Kelly is surely right about that much. Beyond this, however, I find that I must disagree with most everything else he says in this paragraph. Consider: the central idea behind this view is that the answer to the question of how much, if at all, you should be moved by the fact that your peer disagrees with you (*vis-à-vis* your relation to your own stance on the disputed issue) crucially depends on whether or not your view is *in fact* supported by the evidence and argument(s) at hand. Supposing, then, that your considered view about the issue in question *really is* strongly supported by the evidence, then the *fact* that you have correctly discerned this is, we are told, itself grounds for your holding fast to your view. In other words, notwithstanding the *symmetry* that would seem to obtain between the disputants in the sense that each *judges* themselves to have correctly discerned the conclusion that the evidence supports, there is the all-important *asymmetry* in that only one has *in fact* done so.<sup>100</sup> This is, it seems to me, very clearly to take an externalist stance about epistemic justification; as such, we might think that all the objections and issues that beset that view apply here as well. Let us, however, bracket this for now; for there would seem to be a rather more

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<sup>99</sup> Kelly, Ibid. p. 180

<sup>100</sup> Here I paraphrase Elga, Ibid. p. 485

serious problem with this proposal: specifically, *if* (and this certainly *appears* to be the central nerve of this entire debate) the fundamental question at issue is what someone in such a situation ought rationally to *do*, then the sort of objective ‘fact of the matter’ consideration that Kelly appears to be invoking here is arguably quite out of place—not to mention awkward, particularly given his own remarks earlier concerning how the impression of ‘symmetry’ is potentially quite misleading if we uncritically privilege the perspective of the third-party on-looker, without attending to how things seem ‘on the ground,’ so to speak, to the actual disputants themselves. More to the point, viewed from the latter perspective, the ‘right-reasons’ view appears to be essentially useless; certainly it is incapable of supplying any sort of practical guidance to the actual disputants one way or the other. After all, from *this* perspective, differing opinions as to whose judgment is correct—one’s own, or one’s associate’s—is precisely what the disagreement amounts to in the first place.

To better see this, suppose for the sake of argument that each interlocutor in a given case of peer disagreement actually *endorses* the right-reasons view; what then? How exactly is this supposed to contribute meaningfully to the task of their overcoming their deliberative impasse? Speaking from their perspective, the relevant point can be put in the form of the following conditional: “*if* my view is in fact supported by the evidence and argument at hand, as I believe it to be, *then* I am justified in sticking to it even despite the fact that my peer has reached a very different, and incompatible,

conclusion about what the evidence supports.” But now the question becomes: how exactly is (any)one supposed to avail themselves of the justificatory edge provided by *the fact* (assuming it *is* a fact) that the antecedent is true in one’s own case in any given case of actual disagreement? After all, no sooner have I entertained the idea that, *if* the truth is on my side, *then* the rationality of sticking to my guns is secure, than I notice that my interlocutor has reasoned in an exactly parallel way. Put otherwise, how—assuming I do not wish to beg my interlocutor’s indulgence any further and simply rehearse the particular details of my first-order assessment of the evidence and argument all over again—can I possibly justify my position to him or her in ‘right reasons’ terms? That is to say; how (if at all) can I go about constructing a second-order ‘truth on my side!’ justification to further support my position that isn’t simply a mirror image of my interlocutor’s efforts in this same regard? The response from the right reasons supporter, it seems to me, is just to observe that the interlocutor with the truth on their side *need not* provide any such higher-order account of how it is that, e.g., they ‘know’ that their first-order assessment of the evidence *really does* support the conclusion they take it to: rather, the first-order assessment of the evidence—combined with the all-important fact of the matter concerning what the evidence supports—is enough.

This is a very strange view indeed. Most significantly, it is, by its very nature, an account that is utterly divorced from the perspective—or better, the ‘plight’—of the actual disputants themselves. At best, the right reasons view is something that might

be invoked by third-party onlookers, and *only* third-party onlookers; that is to say, by those who are not themselves involved in the debate at hand, but who are, nonetheless, in an epistemically privileged position (i.e. that of *knowing* which of the two, if either, is correct) such that they are then able to preside over, and ultimately *pronounce* upon, the rationality of those whose debate it is. Notice, also, how this is precisely what Kelly himself has done in the passage above, concerning the hypothetical debate he imagines himself to be participating in. Granted, he does not actually stipulate which of the two—‘you’ or ‘I,’ to keep with his convention—actually does have the truth on their side in the example, but that is not the point; the point, rather, is just to observe that he has effectively abandoned the on-the-ground/‘in-the-thick-of-it’ first-person perspective of his own subjective engagement in a (hypothetical) case of peer disagreement, and instead retreated to the familiar ‘objective’ perspective of the epistemologist who is undertaking to evaluate another ‘case.’ Equally implausible, it seems to me, is the fairly tight connection Kelly appears to be drawing here between ‘being rational,’ on the one hand, and ‘having the truth on your side,’ on the other. This is, I think, a distinctly odd conflation of two quite separate notions. To fully appreciate the oddness of this view, consider how things might seem *to hypothetical Kelly* in the imaginary debate; specifically, consider the message that hypothetical Kelly presumably could not help but receive upon learning that *actual* Kelly—i.e. epistemologist Kelly—is using the debate as an illustrative case in point in his efforts to unpack and elaborate the right reasons view. “I see [hypothetical Kelly might muse]; very well then. It would

seem that our disagreement here is actually not as mutually rational as we each took it to be [here hypothetical Kelly is addressing his interlocutor]. Not only is one of us *right* and the other *wrong*; one of us—namely, the one who is right—is apparently, by that measure alone, also *more rational* than the other, at least with respect to our *prima facie* comparable justifications for sticking to our respective guns. I guess this means we shall have to just *wait and see* what the fact of the matter turns out to be; only then will we have the whole story, and thus only then will we be in a position to say which of us was being more rational all along.”

With the preceding remarks in mind, we now see that the only way the right reasons view could possibly be utilized from the point of view of someone who is actually involved in a case of peer disagreement is by endeavouring to somehow take a detached, pseudo-objective ‘wait and see’ attitude toward *one’s own rationality*. That is to say, one must, on this view, at least formally suspend judgment and defer the question as to how ‘rational’ it actually is to stick to your guns in the particular case at hand... whilst at the same time sticking to your guns about the disputed issue anyway! This paints a picture of two interlocutors who, upon reflection, will find that they are at odds not merely with one another, but, at least potentially, *with themselves* as well—at least with respect to their respective assessments of their own rationality (this being something that, it would seem, can only be fully ascertained *in retrospect*, once ‘the truth is out’). This is surely mistaken. Being right about some particular point of contention on some

given occasion of debate does not thereby mean that you are, or were, *more rational* in holding fast to your judgment than your (as it turns out) mistaken peer; *it just means that you were right, and they were not*—full stop.

## 2.4 Harm, doubt, and the case for precautionary abstinence: the Pascalian argument for ethical veganism revisited

Let's take stock. With the exception of his right reasons account, Kelly's treatment of peer disagreement—in particular, the emphasis he rightly puts on the importance of attending to the viewpoint of those actually *within* the dispute—affords us ample reason to conclude that there need not be anything arbitrary, unprincipled, dogmatic, vain, much less inconsistent in holding fast to your view, even whilst continuing to regard those who disagree with you as epistemic equals. Nor, indeed, must we understand the *very idea* of sticking to your guns (in a given case of peer disagreement) as the inherently provocative, burden-of-proof bearing prospect that equal weight supporters perceive it to be. On the contrary, as Kelly explains, the first-person rationale for this is really quite modest.

At the outset of the paper I asked what I must be assuming about myself and about others who have been exposed to the same evidence when I continue to hold a belief that they reject. My answer to this question is: perhaps not very much. In particular, I need not assume that I was better qualified to pass judgment on the question than they were, or that they are likely to make similar mistakes in the future, or even more likely to make such mistakes than I am. All I need to assume is that *on this particular occasion* I have done a better job

with respect to weighing the evidence and competing considerations than they have. [Emphasis in original]<sup>101</sup>

We have now come to the point where it is time to revisit the vegan-omnivore debate in light of the findings of the previous section. On that note, there would seem to be (at least) two rather pressing questions that suggest themselves right away. The first concerns the italicized portion of the final line of the passage from Kelly immediately above—in so many words, the question here is this: how many *subsequent* ‘particular occasions’ of deep, seemingly intractable, disagreement [about veganism] does it take before two associates—one vegan, the other an omnivore—begin to seriously question whether they are, in fact, epistemic peers after all? In all likelihood, and regardless of the particular subject matter under scrutiny, this is not the sort of question that, even in principle, could admit of a precise, universalizable answer. Certainly Kelly himself does not undertake to provide one, and I shall not endeavour to do so either. Though I have already sounded a note of caution about the prospect of our denying peerhood too lightly, or too quickly, I of course also recognize and accept that, in the end, this is something that each of us will need to decide for ourselves, in light of our respective overall impressions of the history, and details, of the particular exchange in question.

The second question, though just as weighty as the first, is perhaps more tractable: supposing (a) that the ‘particular occasion’ of debate that led to the vegan

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<sup>101</sup> Kelly, *Ibid.* p. 180



and omnivore's disagreement is their first such exchange about veganism; and supposing, in particular, (b) that each is inclined toward the 'stick to their guns' response to peer disagreement—how, if at all, might their debate be constructively advanced? For that matter: on what grounds (if any) can we seriously expect their debate to be even so much as *resumed*, let alone advanced? Part of the difficulty here concerns the impression of closure, or even finality, which tends to accompany our use of the phrase 'stick to your guns' in ordinary parlance. Indeed, viewed in the context of two or more interlocutors who favour this reaction as the appropriate response to their disagreement with one another, the image evoked is essentially that of an indefinite stalemate. In fact, viewed from the vegan's perspective, the situation looks even worse. Consider: it is true that the vegan in this scenario is able to rationally maintain his or her veganism, even whilst continuing to regard the omnivore as a peer; so in this sense at least, s/he remains on firm ground. Unfortunately, since it would seem (at least at first) that, by parity, precisely the same must be said of the omnivore, the vegan arguably has not really *gained* any ground either. This is a far cry indeed from the 'tie that vegans win' that we explored earlier; if anything, it seems an almost Pyrrhic victory. At best, the vegan has come full-circle back to their initial convictions; at worst s/he has gone nowhere. Where, then, does this leave us? Where can we expect the debate to go from here?

To borrow an apt expression from Kelly, “... here as elsewhere, life is difficult.” And yet, as it happens, the situation we face at this juncture is not *so* difficult as to defeat us entirely. I shall try to explain. The only way<sup>102</sup> this debate might be fruitfully advanced is if one or the other (or both) of the participants has something new to contribute. This might come in the form of an altogether new point or fresh insight; a hitherto unrealized consideration that somehow bears importantly on the matter; a genuinely new argument unto itself; or perhaps merely a novel spin on an old argument. Nor should this come as a surprise; to be sure, the same point arguably applies to any and all debates which have reached this stage—that is to say, any and all debates whose participants do not wish merely to argue in circles (or worse, to talk passed one another). Granted, there may well come a time when this debate—or, more precisely, this or that ‘particular occasion’ of the larger, very much ongoing societal debate about our treatment of non-human animals—has finally ground to a halt and become terminally stale; a time when there is, quite simply, *nothing more to say* (on either side). As is the case with all such debates, this is something that we shall have to confront when, and *if*, that day actually arrives. Fortunately, I do not believe that we have reached this point yet. On that note, and in what small space we have left, I would like to conclude

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<sup>102</sup> Short of one or the other simply having a change of heart and beginning to seriously question their prior convictions (e.g., in light of a transformative life event; or perhaps due to the gradual, destabilizing impact a past argument can sometimes come to exert, over time, purely via introspection and reflection).

by briefly revisiting the neo-Pascalian argument for ethical veganism, for I do not believe that the full resources of this approach have been exhausted. Specifically, I would like to suggest that while the ‘mutual suspension of judgment’ *version* of the vegan-omnivore exchange (explored toward the end of section 1) certainly helps to make the strength, and appeal, of this argument more vivid, the general reasoning behind the approach does not essentially depend on this particular reaction to peer disagreement for its sense or its force. Put otherwise, the crux of the Pascalian argument, I will suggest, can in fact be ‘cut loose’ from the scenario in which two (or more) epistemic peers concede *full agnosticism* as to whether or not it is morally wrong to harm non-human animals for our benefit, and be deployed independently. In particular, I am proposing that, even in the case where both sides have elected to ‘stick to their guns,’ there may yet remain enough *common ground* in the wake of this outcome for the argument to still find strong purchase with the omnivore. Let us consider how this might be so.

The essence of the independent form of the Pascalian argument that I have in mind is straightforward and can be summarized as follows: so long as one harbours *any doubt whatsoever* as to the ultimate justifiability of the harm that our (non-vegan) consumptive choices—and, therein, the industries that these choices support—indisputably causes non-human animals to suffer, one ought morally to adopt a vegan lifestyle. The potential *cost* of electing otherwise *and being wrong*—that is to say, of continuing to economically support, and thus materially contribute to, a massively harm-

causing practice whose moral legitimacy one is not *absolutely* convinced of, but whose moral illegitimacy one later *does* become convinced of—is simply too high. Indeed, one reason for this, I would suggest, is at least as psychological in nature as it is moral: specifically, I am referring to the chance that, supposing one *did* come to have a change of heart at some point in the future, part of the ‘cost’ in question is something that could very well be paid out in the form of regret, shame, and considerable self-recrimination for *not* electing to err on the side of caution *sooner* (to say nothing of the ultimate, *and far greater*, price that the beings whose bodies, and whose secretions, one continued to consume in the intervening period were made to pay...). Take it from someone who has been there: the phenomenology of becoming ethically vegan can include any number of different attitudes, emotions, and psychological adjustments—but one such feeling that is quite common, if not universal, I would suggest, is the sense that it really ought not to have taken one so long to get there in the first place. Granted, viewing oneself as less than *completely certain* [that harming animals for our benefit is *not* wrong] is obviously not tantamount to regarding veganism as a lifestyle that one really must ‘get around’ to adopting. And yet, it *is* (arguably) in the very least to regard the prospect as more compelling than that of a mere logical possibility. In other words, from this perspective, the prospect remains *a live option*, even if it does seem to be a decidedly remote, and even off-putting, one. With these points in mind, anything less than *full certitude* that harming animals for our benefit is *not* morally wrong just is not good enough.

To be sure, at first blush my remarks here are likely to strike at least some readers as overly strong, or even sweepingly implausible, in what they assert. Against this reaction, I would suggest that they can actually be seen to follow relatively straightforwardly from what is arguably as simple, as uncontroversial, indeed as *foundational* a principle of universal morality as we are ever likely to come by: namely, that, other things being equal, *one should not knowingly, or intentionally, cause harm*—or, alternately phrased; that it is *presumptively wrong* to knowingly, or intentionally, cause harm. The salient point that I mean to underscore here is as simple as it is familiar: we all already accept (arguably) that harm, *by its very nature* (i.e. as intrinsically bad) is something that poses a special burden of justification if ever we are to be morally justified in deliberately bringing about instances of it. Moreover, we tend (arguably rightly) to think that the more harmful something is, the more important it becomes that our *reasons* for carrying out, supporting, or even just benefitting from it are *very good ones* indeed. So far, so good. But, of course, while it is true that no one (or, at any rate, very few of us) seriously doubts the force, and authority, of these considerations *in the human context*, the same, alas, cannot be said when the context shifts to that of non-human animals. I have already argued (see section 2 of Chapter 1) that this is an unmotivated, and ultimately untenable view: there simply are no good—meaning, non-arbitrary, non-*ad hoc*, non-speciesist—grounds for thinking that the harm principle terminates at the boundary of the human species. Though I of course stand by the points I made there, I hasten to add that the present argument is *not*—or, at any

rate, is not *merely*—a rehearsal, or resubmission, of this same argument. The difference is that here I am addressing a very specific kind of omnivore (as opposed to omnivores generally); namely, an omnivore who has *already* spent some appreciable amount of time debating the morality of killing, eating, and otherwise exploiting animals for human benefit with an ethical vegan peer—during which, unsurprisingly, the scope of the harm principle was itself a central point of discussion—who, upon emerging from this debate, concedes at least *some* measure of uncertainty as to whether this principle does, or does not, extend its protection to the animals we have long treated as resources and commodities. More to the point, I am here suggesting that it is a matter of moral and intellectual sincerity (and quite possibly psychological well-being) that those who feel this way should err on the side of caution and become vegan.

To be clear, I most certainly am *not* saying that those who, upon emerging from their first debate with an ethical vegan peer, *do* believe, with absolute certainty and conviction, that harming non-human animals for our benefit is *not* immoral are, by that measure alone, justified in their omnivorism. Hardly. Indeed, not only would this be to effectively reduce veganism to, at most, the status of mere ‘personal preference’ (i.e. something that is ‘right for me; but not necessarily right for everyone’), this would also be to throw open the door to an especially lax, and, I think, quite pernicious, form of moral relativism in which justification *is* as justification *seems* (i.e. as judged from the lone subjective standpoint of whomever it is that is attempting to carry this out); full

stop. All but the most die-hard moral sceptics (and nihilists) among us accept that merely *believing* oneself to be justified in causing harm is not sufficient by itself for one's *actually being* justified in causing harm. There simply must be more to it than that; for the alternative is to risk losing our grip entirely on the very idea of justification in this context. Granted, there of course remains the all-important, and much contested, further question as to what, *in addition* to believing oneself to be justified in causing harm in a given case—and assuming, perhaps a little controversially, that this much, at least, *is* necessary—is needed in order to actually *be* justified in causing harm. My own view, I suspect, should by now be quite clear: simply put, the harm in question must be *necessary* (more on this in a moment). This, then, is ultimately why I (and ethical vegans generally) do not believe that omnivores who sincerely believe that their consumption habits are justified *actually are* justified; because there is nothing necessary about the harm that this involves. Put otherwise: in my view, thoughtful, conscientious, morally serious omnivores *believe falsely* on this score. The thrust of the point that I am pressing now, however, is somewhat different: my present concern is essentially just to ask why any of us—vegan, omnivore, or otherwise—should *not* think that regarding oneself as *not knowing* (for certain) that one *is* justified in causing some particular instance of harm is at least *presumptively sufficient*, by itself, for its being wrong to (deliberately) cause said instance of harm? Surely there is more than enough suffering,

death, despair, and the like in the world already<sup>103</sup> for those who, on reflection, are themselves *sincerely uncertain* as to the ultimate justifiability of their own known-to-be harm-causing actions<sup>104</sup> *not* to err on the side of moral caution and abstain. This really does not seem to be asking very much of us. When it comes to the deliberate causing of harm, though there may well be a number of different rules, and principles, needed, in the end, to govern our conduct, and to help guide our thoughts, the *first* such rule is surely this: when in doubt (and other things being equal), *don't*.

The *ceteris paribus* clause is deliberate and important here; in particular, this is meant to acknowledge, and even underscore, the fact that one of the ways that other things might *not* be equal (i.e. in a particular case of one's deciding whether or not to cause harm) is if the harm in question very clearly *is* necessary: for example, if it is necessary for the prevention of some other *prima facie* greater harm. Granted, there are

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<sup>103</sup> As often as not, it should be added, this is the direct consequence of individuals who *wrongly* believe themselves to be justified in their harmful actions.

<sup>104</sup> Nor are there any compelling reasons to restrict the point only to harm-causing actions that one directly carries out oneself. Again, the salient point here is also something that we all already understand perfectly well; for consider the case of someone (let's call him Tim) who pays someone else (let's call her Tara) to kill someone (let's call him John). Tim is legally, and morally, every bit as responsible (blameworthy) as Tara for John's murder. The same basic reasoning *vis-à-vis* moral responsibility holds, I would argue, in the case of the indirect material (economic) support that one provides to the various facets of the *massively harm-causing* animal industrial complex when one purchases animal products. In short, knowingly-intentionally supporting the deliberate causing of harm by others is morally on par with knowingly-intentionally actually causing the harm oneself; obvious psychological differences aside, there is no moral difference between the two. Thus, if one is even the smallest measure unsure as to whether the *grossly* harmful practices of these industries is morally justified, one ought morally to err on the side of caution and withdraw one's (indirect) support.



surely cases where it is at best unclear whether, in performing, say, known-to-be-harmful action X, (a) one would thereby *prevent* what would otherwise have been the comparatively greater harm of, say, event Y; or (b) one would actually end up causing *more* harm than Y itself (suppose that performing X is the only way to prevent Y). Indeed, to make the point even more vivid; suppose Y is not actually an ‘event’ of some sort or other, but, rather, like X, is itself a known-to-be-harmful *action* that, in situation *S*, you might actually perform. Suppose further that *S* is such that you *must* choose between X-ing or Y-ing; that is to say, suppose that some degree of harm is *unavoidable*, and it is unclear which action would result in the least amount. What then?

Another sense in which things might not be equal, of course, is if the known-to-be-harmful action is (or, perhaps, is merely believed to be) necessary for securing some obviously greater benefit (although, of course, the *obviousness* of the benefit in question’s being greater, or at least comparable to, the harm at issue is itself something that could well be vigorously disputed; likewise, the justifiability of one’s performing such an action as a *means* to bringing about this, or that, *prima facie* beneficial outcome may also be questioned). My point here is emphatically *not* to advance any particular claim as to how one ought morally to choose in such hypothetical scenarios; rather, it is merely to observe that there are surely exceptional cases in which the “when in doubt; *don’t*” rule clearly does not apply. Most importantly, however, it is a central claim of this chapter (indeed, of the entire dissertation), that when it comes to *the vast majority of our*

*relations to non-human animals*—in particular, with respect to anyone who harbours even the smallest doubt as to whether the harm that our consumptive practices causes domesticated, or ‘food,’ animals to suffer is justified—this rule surely *does* apply.

Some might wonder at this point in what sense, and to what extent, the so-called ‘independent version’ of the Pascalian argument I have just sketched is really all that distinct from the version introduced earlier, in section 1. After all, both versions clearly depend on the individual to whom the argument is addressed conceding uncertainty as to the ultimate justifiability of harming non-human animals for our benefit. Is this not, perhaps, a single argument that is being made to perform double duty, in two different contexts? In reply, I would suggest that this is a mostly terminological distinction without a real difference; nothing actually hinges on this. It does, however, present a good opportunity to offer some further remarks as to the actual difference between the two. To clarify, while it is plainly true that the two ‘versions’ of the argument can be seen to run almost in parallel with one another, the relevant difference involves the *degree* to which the addressee concedes uncertainty. This is, admittedly, a subtle difference; but it is a difference all the same. Consider: in the former case—i.e. the peer disagreement-cum-mutual suspension of judgment scenario—the degree of uncertainty is quite high (namely; *full agnosticism*), since here the omnivore accords the vegan’s view *equal weight*, and thus reckons the probability that she is right and the vegan wrong as being about *equal* to that of the converse. In the present case, on the other hand—i.e.

the peer disagreement-cum-stick-to-your-guns scenario—the degree of uncertainty is, by comparison, much lower, since here the omnivore accords the vegan’s view *less* weight than her own, and thus judges it to be *more likely* that she is right, and the vegan wrong, than the other way around. Now, believing yourself to be in an argumentative position in which it is *more likely* that you are right than your interlocutor is *not* tantamount to knowing that you *are* right—or, better, to judging yourself to *Know* that this is the case. With respect to the central claim in dispute, then—namely; [that] *it is morally wrong to harm non-human animals for human benefit*—the omnivore *might*, but (crucially) *need not*, regard this as *definitely* false as a condition of sticking to their guns; it is enough that they regard this as *probably* false. The latter is the sort of omnivore to whom the present argument is addressed.

To illustrate further, consider the following minor embellishment of Elga’s previous example of the complicated multiplication problem: suppose that you disagree with an associate (whom you regard as an epistemic peer) as to what the right answer to this problem is, but, even so, you are *not* inclined to suspend judgment; that is to say—suppose that, on reflection, you are still broadly inclined to believe that your associate is the one who has made a mistake, and so you elect to stand by your own calculations. Does it follow from this that you *must* thereby regard yourself as *Knowing*, for certain, that you are *definitely* correct and your associate is *definitely* not? To make the point more vivid, must your confidence in the correctness of your own calculations

here be so very high that you would, say, *bet your life on it*, as a necessary condition of the rationality of giving your own calculations ‘extra weight’? Of course not. According to your own view extra weight in a given case of peer disagreement need not, and typically does not, imply epistemic self-confidence of this order of magnitude. This is not to say, of course, that there are *no* cases in which this level of confidence *is* in order; surely there are: trivially, such a list would include cases in which, e.g., our very lives literally depend on our being right; *non-trivially*, I am here suggesting, it should also include those involving the permissibility of causing—supporting, or even just benefitting from—avoidable harm. Thankfully, we do not often find ourselves in situations in which our lives hang in the balance over our ability, or inability, to answer complicated multiplication problems. Of course, if we *did*, then we surely *would* come to insist on nothing short of absolute certainty when considering the prospect of holding fast to our own assessment, despite the dissenting opinions of those associates whom we count as peers. Returning to the vegan-omnivore debate; it must be said that here lives *really do hang in the balance*; nor, we must add, are the beings whose lives they are cognitively sophisticated enough to have any say in the matter whatsoever, much less to advocate

on their own behalf. This is, very literally, *a matter of life and death*—in view of which, insisting on certainty does not seem out of place.<sup>105</sup>

Granted, there are, of course, some omnivores out there who may very well emerge from their first debate with an ethical vegan completely convinced that what the vegan is suggesting is utterly false. Though unfortunate (and, I think, quite rare), this is surely possible. Neither version of the Pascalian argument explored in this chapter is addressed to them. That being said, I doubt very much that there are many omnivores who, on reflection, could sincerely attest to being absolutely metaphysically certain in the relevant sense. Anything short of absolute metaphysical certainty on the omnivore's part, however, leaves the door open, even if only a crack, for further discussion and debate. In particular, this is a crack into which the Pascalian argument can be wedged. On that note, I would conclude by returning to the vegan-omnivore dialogue itself; specifically, let us consider how the vegan might implement this argument.

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<sup>105</sup> To reiterate, my position *as* a vegan is that certainty alone obviously does not suffice for its being the case that (any)one actually *is* justified in supporting, and benefitting from, the offerings of the animal industrial complex; the reason being that, from my perspective (and that of veganism generally), this is merely to believe absolutely in something that is quite false. Nor, I should perhaps add, is my (or anyone's) decision to remain vegan dependent on my believing absolutely, with complete certainty, in the converse: namely, that harming animals for human benefit *is* (definitely) wrong—the reason being that there simply is no analogous justificatory burden to that which the omnivore bears which one must satisfy in order to permissibly *not* cause harm.

“Consider what is actually being asked of you [the vegan might begin]: for this is only to *abstain* from lending your support to those industries, and those practices, that are predicated on the deliberate infliction of harm; no more, and no less. The harm in question, moreover, is in no way something that you are circumstantially obliged to take part in. The choice of whether or not to purchase animal products is in no way analogous to cases like the one we looked at above in which one *must* choose between ‘X’ and ‘Y’—either of which involves some harm. Unavoidable harm is not one of the parameters of this decision; on the contrary, the harm in question is entirely avoidable. Palate pleasure *a la* ‘bacon, cheese, ice cream, etc. tastes good’<sup>106</sup> just is not a *good reason* to justify the suffering and death that occurs behind the scenes to create such products. Consider the beings from whose bodies—*at whose expense*—such things are made; consider how much they *lose*, for this is *far* more than we could ever hope to gain from the satisfaction of consuming them. But nor, in any event, must one compromise, much less forfeit, gustatory pleasure in becoming vegan anyway. The available range of vegan alternatives to these traditionally animal-based products—indeed, the entire panoply of vegan cuisine *in general*—is extensive, varied, and delectable. And with all due respect, it must be

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<sup>106</sup> Ditto, e.g., ‘leather is stylish,’ ‘fur is chic,’ etc.

said that on *this* point, at least, you and I are probably *not* epistemic peers.<sup>107</sup> As is the case with most omnivores, you have always been an omnivore. By contrast—and as is the case with most vegans—I was not always vegan; indeed, I was once an omnivore just like you. What this means, of course, is that I have the benefit of extensive first-hand experience with *both* types of cuisine; while you, on the other hand, are (mainly) familiar with only one. Trust me when I tell you that not only does one not ‘give up’ satisfaction from eating when one becomes vegan; one tends to gain a whole new level of appreciation for how inventive, satisfying—indeed, how intensely gratifying animal-free food can be. But all gustatory considerations aside, the most important consideration by far is the simple fact that, by your own admission, you are not *completely certain* that harming animals for our benefit is *not* morally wrong. To be sure, certainty can be very hard to come by, perhaps even especially concerning moral matters. There are numerous occasions in life when we are forced to do the best we can in less than ideal conditions; this is nothing new. But again, I ask you, in the case of our relationship to non-human animals, notwithstanding that it would of course be ideal if we only *knew*, with cosmic certainty, whether harming animals unnecessarily is, or is not, morally justifiable (or

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<sup>107</sup> See esp. Chapter 2—entitled “What About Pleasure in Eating?”—of Sherry Colb’s excellent book *Mind if I order the Cheeseburger? And Other Questions People Ask Vegans* (Lantern Books, 2013), for a more thorough discussion of this, and related, issues. Though she does not put the point in quite the same terms as I have (namely, that this is a non-trivial context in which epistemic peerhood arguably does *not* obtain), my remarks here draw heavily from the much lengthier treatment she provides there.

even, for that matter, if we merely *thought* that we knew this), how can you seriously maintain that it is not the morally best option to at least err on the side of caution and abstain? After all, the operative principle here—‘no unnecessary harm’—for which veganism is but an application in practice, is one that you already affirm. Either this principle does, or does not, terminate, or at least greatly recede in force, at the boundary of the human species. To the extent that you confess *some* measure of doubt, however small, about whether our exploitative treatment of animals is ultimately justifiable, this would seem also to be a question about which you are less than completely certain. Unless and until such time as you become absolutely convinced about this, one way or the other, veganism would seem to be the morally safe bet going forward.”



## Chapter 3

# Ethical Veganism and Abortion: A Problem for the Neo-Pascalian Approach?

The aim of this chapter is twofold, the first part of which, also much the shorter of the two, is largely defensive and clarificatory in nature; while the second is more far-reaching, and even foundational, in the investigation I take up. My first task will be to consider a particular objection to the neo-Pascalian approach as set forth in the previous chapter—an objection that proceeds by way of an attempt to elucidate what would appear to be a quite radical, and *prima facie* unwelcome, implication of this approach: to wit, the (apparent) implication that there is a kind of explosive generality inherent in the neo-Pascalian approach in that the same basic reasoning that guides my handling of the vegan-omnivore debate—in particular, my claim that one should err on the side of moral caution by becoming vegan—applies equally to a great many other (unrelated) contexts of moral debate and inquiry about which one admits to being less than absolutely certain. To better illustrate, and motivate, this objection, this portion of the chapter will focus on what many readers are (understandably) likely to anticipate as perhaps the most paradigmatic example of a real-world case-in-point to which this implication, for better or worse, would seem to apply: the abortion controversy. Though

we will of course examine this particular illustration of the objection in greater depth as the chapter unfolds, a brief statement of its central thrust is in order, and can be given as follows.

Consider: in pressing the neo-Pascalian rationale for becoming vegan to the less than completely convinced omnivore (again, be they perfectly agnostic, or merely less than absolutely certain), some might feel that I have thereby committed myself, on pain of inconsistency, to advising an analogous ‘err on the side of caution’ stance to any and all who might harbour even the slightest doubt as to whether abortion is morally permissible. More to the point, some might observe that it is an apparent consequence of my deploying this argument in the context of the vegan-omnivore debate that I must also recommend a (broadly speaking) ‘pro-life’ position to any and all who are even remotely agnostically inclined concerning the morality of abortion.

This is, to be sure, an important observation, and certainly one that deserves a careful response; and yet, the sense in which this truly counts as an ‘objection’ to the neo-Pascalian strategy—as opposed to an illustration of at least one potential implication of my approach that vegans can accept (or perhaps even welcome?)—is not yet entirely clear. Nor is it yet clear precisely what this apparent implication should be taken to amount to, for, as we will soon see, there are a number of importantly distinct *senses* in which one might potentially oppose abortion—distinct in both degree and kind—in relation to which the Pascalian approach must be considered. Hence, it is not (yet) clear

which, if any, of these the argument set forth in the previous chapter actually pertains to. Though these are questions which I shall take up in earnest momentarily, I would for now like to emphasize that, whether the apparent implication turns out to be an ‘objection’ or not, the process of engaging with it will regardless serve as a welcome opportunity to further clarify the structure and scope of the neo-Pascalian approach—and, in particular, to address any potential lingering misunderstandings about this from Chapter 2. Ultimately, by responding to these concerns in the case of abortion, I hope to present a somewhat clearer picture of the neo-Pascalian approach, and, therein, a sharper account of the *structure* of the kinds of cases to which it does, and does not, apply.

With the above-mentioned defensive and clarificatory work complete, the remainder of the chapter will leave the Pascalian argument behind (mostly) and will instead consider the relation between ethical veganism and the morality of abortion more broadly. To be clear, while the first part of the chapter is primarily concerned with the logic of the *neo-Pascalian approach*—specifically, the question of whether or not I (or anyone) can *consistently* argue for veganism in neo-Pascalian terms without also arguing, *in these same terms*, for a (broadly speaking) pro-life stance toward abortion—the second will take up the very different, and in some ways more pressing, question of whether the logic of *ethical veganism as such* is not, perhaps, committed to an anti-abortion stance.

The first concern, then, is largely strategic and instrumental in nature; while the second is more substantive and foundational.

I realize that the difference I have just alluded to may seem rather narrow at first blush; but appearances aside, it is importantly deep, in the following sense. The key point to observe here is that many, if not most, ethical vegans who may find themselves in the position of trying to convince someone to become vegan for neo-Pascalian reasons are not *themselves* vegan for these reasons. That is to say, most of us who may find occasion to avail ourselves of this argument in the course of this or that debate with an omnivore are not vegan on the basis of our opting to err on the side of caution because we are *unsure* that harming animals for our benefit is *not* wrong; rather, we are vegan because we *are* sure that it *is*. For the sake of clarity, then, let us refer to those who might elect to go vegan, at least as an interim measure, for reasons which are broadly Pascalian in nature (i.e. because one concedes that harming animals for our benefit *might well* be wrong) as *precautionary* vegans; while those who are (already) vegan because they believe that harming animals for human benefit *is* wrong let us call *confirmed* vegans.

With this new terminology in place, I am now better able to state the following; a point whose importance, I might add, we would do well to keep in mind going forward. Though it is true that, from our present perspective (i.e. the very outset of our investigation), it could well turn out that although confirmed vegans who might wish to

exploit the neo-Pascalian strategy when arguing for precautionary veganism with omnivores are *not* thereby committed to advancing an analogous ‘pro-life’ argument in the case of abortion—likewise that one could perfectly well be a *precautionary* vegan without *necessarily* adopting a strong pro-life stance on abortion<sup>108</sup>—it could equally well turn out that this same individual—*qua* wholehearted, fully convinced (i.e. ‘confirmed’) ethical vegan—actually *is* committed to an anti-abortion stance on *other* grounds (namely; because the deeper, *non*-Pascalian reasons that undergirds his or her veganism are equally reasons to oppose abortion<sup>109</sup>). For that matter, we might instead discover that while there is no inconsistency between ethical veganism and a (broadly construed) pro-choice stance on abortion, the logic of *precautionary* veganism, on the other hand, actually *does* imply an anti-abortion stance, at least insofar as the particular individual(s) with whom one is discussing the matter remains unsure regarding the morality of abortion. If so, then it surely *would* follow that confirmed vegans who employ

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<sup>108</sup> Although, as we will see, such an individual might very well be said to have good reasons, based in her own precautionary veganism, for opting *not* to have an abortion in her own case—or perhaps for having an early abortion as opposed to a later one (say, post-20 weeks fetal development). This will be examined more below.

<sup>109</sup> As we will see later on, there are important questions of interpretation and scope that pertain to this possibility as well. Consider: supposing it were true that confirmed vegans ought to oppose abortion, we would still have to consider what this actually amounts to in practice: i.e. does this mean that a pregnant confirmed vegan ought not to personally undergo an abortion *only* (likewise, perhaps, that we should endeavour to dissuade others from doing so—assuming such counsel is solicited)?; or does it perhaps mean that we ought *additionally* to maintain that abortions of certain types should be illegal? Such questions will be explored, in earnest, as the chapter unfolds.

the Pascalian argument for precautionary veganism are committed to advancing an analogous pro-life argument in the case of abortion. At the moment, these are all open questions. The point I am stressing now is merely that the two positions which I have respectively (and, to be sure, somewhat tentatively) dubbed ‘confirmed veganism’ on the one hand, and ‘precautionary veganism’ on the other, though more or less extensionally equivalent in that both prescribe the same behavioural (avoidance) practices regarding food and other products derived from animals<sup>110</sup>, are nonetheless importantly conceptually distinct; in view of which the broader commitments of the one (e.g. *vis-à-vis* abortion) are not necessarily commitments of the other.

Finally, in regards to section 2, Sherry F. Colb’s insightful treatment of [the connection between] veganism and abortion, contained in her engaging book *Mind if I Order the Cheeseburger? And Other Questions People Ask Vegans*,<sup>111</sup> along with the more extensive discussion offered in her more recent book (co-authored with Michael C.

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<sup>110</sup> And, to be sure, despite the fact that both are ethically motivated. (I say this in the hope of pre-empting any potential misunderstanding to the effect that I do not actually consider precautionary veganism to be a *bona fide* form of *ethical* veganism. On the contrary, I absolutely do consider precautionary veganism to be a form of ethical veganism—for the simple reason that erring on the side of moral caution is plainly, straightforwardly, an ethical consideration. For the record, examples of *non*-ethical veganism might include, e.g., those who elect to follow a vegan diet—often only temporarily—purely for what they judge to be the associated health and/or weight-loss benefits; to emulate the latest celebrity to embrace veganism, etc.)

<sup>111</sup> Sherry F. Colb (Lantern Books, 2013)

Dorf) *Beating Hearts: Abortion and Animal Rights*,<sup>112</sup> will serve as a kind of touchstone for my own investigation into this issue. Although my own view regarding the upshot of this connection and its bearing on certain of the larger commitments of veganism does not, in the end, sit *entirely* well with their account, the insightful analysis they provide throughout—equally the clarity, rigour, and candour with which they develop and defend it—has been enormously helpful to me in formulating my own view on this inherently challenging issue; in view of which, a substantial portion of this chapter consists of a close reading, and critical discussion, of Colb’s and Dorf’s far lengthier treatment.

### 3.1 A neo-Pascalian argument against abortion?

To reiterate, the challenge we are faced with in this section is largely strategic in nature; the stakes, in particular, are limited to whether we vegans can safely—or, at any rate, *comfortably*—retain a certain argumentative *move* in our repertoire; or whether, alas, this is something that we shall have to consign to the graveyard of well-intentioned, promising-at-first, but ultimately unwieldy arguments. This is not to say, of course, that the challenge itself is trivial, much less one that we can afford to take lightly. On the contrary, the neo-Pascalian approach, as we have already seen, is a very *formidable*

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<sup>112</sup> Sherry F. Colb & Michael C. Dorf, Columbia University Press (March 8, 2016)

move indeed; and thus it is *certainly* something that, if at all possible, we should try to hang on to.

As mentioned above, however, before we will be in a position to determine whether the concerns at issue add up to an ‘objection,’ properly so-called, or merely an observation (or perhaps both), it is imperative that we first clarify precisely what it *means* to oppose, or to ‘be against,’ abortion. With that said, we may begin by observing that there are (at least) three possible interpretations available here, only one of which, I shall argue, actually pertains to the Pascalian strategy in problematic fashion.

The first interpretation concerns an individual woman’s own attitude [of reluctance, aversion, and ultimately *refusal*]—based on, e.g., her own considered moral, religious and/or philosophical convictions—toward the prospect of actually having an abortion *in her own case*. The second interpretation refers not to the considered moral opinion of the pregnant woman herself, but, rather, to that of some interested third-party; specifically, any individual in whose estimation abortion is, other things being equal, morally wrong (and, hence, is something that should, where possible and appropriate, be discouraged). Finally, the third interpretation (of what it is, or means, to oppose abortion) is straightforward, for it corresponds to what most of us readily and ordinarily associate with the locution ‘pro-life’ as this is typically used in contemporary public discourse. In short, to oppose abortion in *this* sense is ultimately just to endorse



the familiar socio-political view according to which abortion is regarded as something that should be illegal.

Now, there is plainly a significant degree of overlap amongst these interpretations, most obviously, perhaps, in that anyone who opposes abortion in the third sense will presumably also oppose abortion in both the first and second as well. Non-trivially, however, note that this same point does *not* automatically apply in the other direction; that is to say, though it is surely true that some who are chiefly opposed to abortion in either the first or second sense (or both) will *additionally* oppose abortion in the third sense as well, this is by no means a given. On the contrary; one might perfectly well, and perfectly consistently, oppose abortion in either (or both) of the first or second senses just outlined whilst at the same time not only not supporting, but even *rejecting*, the third. The reason for this should be clear enough: the *third* interpretation is, quite simply, a far stronger position than either the first or the second, for it ultimately amounts to the *further* claim that pregnant women who wish not to be pregnant, and who wish to have an abortion, ought to be *prevented* from doing so. To be clear, although it is of course true that opposing abortion in *this* sense is by no means inconsistent or incompatible with opposing it in the others, neither is it *entailed* by them. To summarize (and here I borrow from Peter Singer's helpful description of much the same point), the operative distinction here is between *the ethics of abortion* on the one

hand, and *abortion law* on the other.<sup>113</sup> The third interpretation of what it is, or means, to oppose abortion, though clearly *grounded* in a particular view about the morality of abortion (*a la* those which characteristically prevail at the level of the second interpretation), ultimately falls into the latter category; the first and second, the former.

We are now in a position to begin our investigation in earnest. On that note, let us commence by expanding on this point (immediately above) that of the three interpretations just canvassed, the first and second would appear to have a great deal more in common with one another than either does with the third. The first interpretation, recall, refers to a woman's own moral judgment regarding the prospect of having an abortion in her own case; while the second refers to the judgment of others concerning how one believes a pregnant woman who finds herself contemplating the prospect of abortion *ought morally* to decide therein. Note, too, the italicized phrase 'ought morally' in the preceding sentence, the importance of which is in fact impossible to overstate. Consider: to think, much less to actually assert, that, other things being equal, someone morally *should* do 'X,' that they should decide *in favour of* 'X,' etc. is not at all the same thing as thinking (much less publicly advocating) that someone *legally must* do 'X'—or, more to the point, that they must be *made* to do 'X' (i.e. regardless of their actual interests or preferences on the matter). To fully appreciate the

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<sup>113</sup> The relevant passage is excerpted in full on the next page.

underlying distinction here as it relates to abortion, I would again refer the reader to a key passage from Singer, which deserves to be quoted in its entirety.

... Thus the effect of prohibiting abortion is not so much to reduce the number of abortions performed as to increase the difficulties and dangers for women with unwanted pregnancies. This argument [roughly, that restrictive abortion laws have undesirable consequences] has been influential in gaining support for more liberal abortion laws. It was accepted by the Canadian Royal Commission on the Status of Women, which concluded that: 'A law that has more bad effects than good ones is a bad law... As long as it exists in its present form thousands of women will break it.'

The main point to note about this argument is that it is an argument against laws prohibiting abortion, and not an argument against the view that abortion is wrong. This is an important distinction, often overlooked in the abortion debate. The present argument well illustrates the distinction, because one could quite consistently accept it and advocate that the law should allow abortion on request, while at the same time deciding oneself—if one were pregnant—or counselling another who was pregnant, that it would be wrong to have an abortion.<sup>114</sup>

As I suspect is only too apparent, it is the second half of this passage that is crucial for our purposes; indeed, one could even say that Singer has, in effect, all but raised one of the very questions we must consider for us. Not only that, but since it makes good sense, for clarity's sake, to proceed from the weakest sense of abortion opposition to the strongest, this is also the question that we would do well to consider first. The question, then, is this: bracketing, for now, the matter of whether there exists an analogous Pascalian argument in support of the strong 'pro-life' form of abortion opposition; what of the remaining two? Might it not be the case that the same general

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<sup>114</sup> Peter Singer, *Practical Ethics*, 2<sup>nd</sup> Edition (Cambridge University Press; 1999), pp. 143-144.

strategy I employed in the previous chapter in the context of the vegan-omnivore debate finds purchase here as well? That is to say; does it follow from the argument set forth there that I should (must?) also say that those women who are themselves morally uncertain regarding the prospect of having an abortion in their own case should err on the side of caution and refrain from doing so? (To be sure, though the force of the relevant considerations that would seem, *prima facie*, to support this conclusion does not actually *depend* on the individual in question having previously opted to become a precautionary vegan—which is just to say that the argument can be run independently, at least initially—it is not implausible to think that pregnant precautionary vegans would be apt to find this *especially* compelling in their own case.)

Next, with respect to the second interpretation; here the question becomes whether those who are either persuaded of the utility of the neo-Pascalian argument for precautionary veganism (i.e. *confirmed* vegans who wish to add this strategy to their toolkit), or else by the actual argument itself (i.e. precautionary vegans<sup>115</sup>) must support, indeed, *recommend* the extension of this argument in the context of individual decisions about abortion. These questions, I submit, are but two sides of a single coin; thus, determining an answer to the one will determine a like answer to the other. In what follows, I shall argue that the appropriate response here is to accept the implication. In

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<sup>115</sup> Although, to be sure, precautionary vegans might also wish to take up this strategy when discussing their veganism with others.

fact, I will further suggest that since the sorts of cases we are about to consider are, if anything, actually *salutary* of precisely the value, and practical functionality, of the neo-Pascalian approach, this is an implication that we should even welcome.

The sorts of cases that we must now examine are as follows: consider the plight of an individual pregnant woman who (a) is not *sure* that she wants to be a mother/raise a child (or even one who *is* sure that she does *not* want this), but who, at the same time, (b) is not sure that abortion *is* morally permissible. Notice, too, how this is as much a practical problem as it is a moral one, for, unlike the case of those who find themselves uncertain concerning the legal question of abortion, here one simply *cannot* opt to keep deliberating about, and reflecting upon, the issue indefinitely (much less can she *embrace* agnosticism); on the contrary, in the end biology will simply force the issue. To borrow an apt expression from Colb (and I shall have *much* more to say about this later on), not only are pregnant women not ‘bystanders’ to the fate of their own unborn children; neither is it possible for pregnant women who are in *this* situation to be, so to speak, *epistemic bystanders* toward the question of whether abortion is morally permissible. Simply put, this is a situation that, by its very nature, demands that a decision be made—which is precisely where the neo-Pascalian approach becomes salient. If the situation about which (indeed, *within* which) one is epistemically torn is, to borrow a term from the previous chapter, *inherently behaviourally normative* in kind (that is to say, ultimately concerned with what one ought, or ought not, to *do*); *and* if one is,

broadly speaking, critically reflective and morally conscientious otherwise (at a minimum, let us say that this implies an aversion to simply flipping a coin in such cases), ‘erring on the side of caution’ will (and *should*) be seen as affording not merely a practical solution to one’s predicament, but a morally responsible one at that.

Now, the previous point notwithstanding, while it is true that cases like the one sketched above are such that the precautionary rationale *can* be applied, whether, in so doing, one is led in the direction of having (or advising) an abortion, or refraining from this, can vary. In other words, a great deal depends on the level of detail one stipulates (or is made privy to) concerning the case at hand. On that note, it is perhaps fair to say that the case we just considered was described at such a general level of abstraction that our conclusion that the Pascalian approach finds purchase here is not really saying all that much. Let us, then, imagine some cases with a bit more detail.

First, consider the case of a woman who becomes pregnant and realizes this relatively early on, but who also harbours serious doubts as to whether she wants to endure the full cycle of pregnancy, labour, and delivery, and, to be sure, whether she wants to actually raise a child. Since we have stipulated that this is a case in which it will be some time (from the woman’s initial discovery of her pregnancy) before the fetus becomes sentient, Pascalian considerations would seem, at a minimum, to recommend that the woman endeavour to have made her decision, one way or the other, *before* this occurs. To better see this, we may further imagine that the woman in question is

primarily concerned about the frankly horrifying possibility that the abortion procedure itself is something that her fetus—or indeed anyone’s—could actually *experience*. And yet, such concerns notwithstanding, suppose the woman also feels that her reluctance to carry her child to term might potentially recede, the longer she remains pregnant. Bracketing, for the time being, the larger philosophical question of whether late-term (i.e. post-sentience) abortions are morally wrong (and I shall have much more to say about this, too, later on), it is not controversial to say that they are, in the very least, morally problematic: in view of which, precautionary considerations in *this* case would seem to advise having an abortion (if at all) sooner rather than later.

Alternatively, suppose that the source of a pregnant woman’s own uncertainty about the permissibility or impermissibility of abortion is, by land large, independent of the question of fetal sentience. Perhaps she has thought long and hard about, say, Don Marquis’s argument for the wrongness of abortion,<sup>116</sup> according to which abortion is said to be (presumptively) wrong not because a fetus is a ‘person,’ or a ‘human being;’ but because fetuses are the possessors of one and the same natural property that we all already accept as sufficient for the *prima facie* serious wrongness of killing an adult human being: namely, being such as to inherit a ‘future like ours.’ Granted, given the uncertainty stipulation that makes this case relevant for our purposes, although she finds

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<sup>116</sup> See his “Why Abortion is Immoral,” in *Journal of Philosophy*, Vol. 86 (April, 1989), pp. 183-202.

this argument compelling, we are also assuming that she is not entirely convinced; hence, her dilemma. The critical point, however, is that here we are imagining a case of a woman whose personal doubt about the morality of abortion includes even the prospect of undergoing one relatively early on in her pregnancy.

Next, imagine a woman who is considerably farther along in her pregnancy; in particular, one whose fetus *is* sentient. Suppose, further, that the woman has, for whatever reason, begun to entertain serious doubts as to whether she truly wants to be a mother and raise a child, but who is (understandably) reluctant to undergo an abortion at this stage (indeed, for similar reasons to those of the woman we first considered, above). I do not mean to say that we are to imagine that this woman is fundamentally opposed to late-term abortion on moral grounds (i.e. that she is ‘confirmed’ in this respect); only that she has moral misgivings about this, and is consequently unsure what to think (and, more to the point, what to *do* in light of this).

Both of the preceding scenarios, I submit, describe cases in which the neo-Pascalian approach recommends that the pregnant woman ought morally to carry her child to term (and, presumably, give him or her up for adoption). This follows from the fact that, in each case, ‘carrying one’s [her] child to term’ is the sole option that the woman *herself* (i.e. by her own lights) judges morally permissible. Put otherwise, the structure of the woman’s own uncertainty (in either case) parallels that of the hypothetical omnivore from the previous chapter: each woman believes (correctly) that



the burden of proof at issue in her own case—which she has failed to meet—is to establish that abortion (whether early-term, or late-term, depending on which case we are attending to) is *not* morally wrongful. Since there is plainly no analogous such burden in the case of carrying a child to term, this is the morally appropriate option that either woman should default to.

## A NEO-PASCALIAN ARGUMENT FOR ABORTION PREVENTION?<sup>117</sup>

It is perhaps only natural at this point that some might have the following impression. Consider: given that, as we have just seen, the neo-Pascalian approach goes through in the context of *personal* decisions about abortion—as well as those where the

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<sup>117</sup> It is important that we are clear about the *scope* of this question; specifically, that (and why) it does *not* concern the prospect of an across-the-board, foundational, or otherwise *universal* argument for abortion prevention of the sort that might conceivably be addressed to anyone, anywhere, *whatever* their views on abortion happen to be. The reason being that the neo-Pascalian approach itself, by its very nature, does not apply to everyone. Recall that this approach does not find purchase in the case of those individuals who are, in a word, *convinced* in their view; again—and here we must briefly harken back to some of the terminology introduced in the previous chapter—this is due to the fact that the approach operates at the *second-order* level of a moral debate only (whatever its specific content), for it can only be invoked in the case of those individuals who, whether upon private reflection or, as the case may be, the successful prompting of a persuasive interlocutor, find themselves *not* decisively moved, one way or the other, by the various *first-order* arguments and considerations on offer: meaning, those which purport to show *directly* what one ought, or ought not, to do; how one ought, or ought not, to choose, etc. Thus, whether or not the implication goes through in this case (I shall argue that it does not) the possibility itself pertains solely to those individuals who are unsure/undecided about the legal question of abortion. Conversely, those who are epistemically resolute—or, in my terminology, ‘confirmed’—in their pro-choice stance toward this question are simply not within the target range of those to whom a neo-Pascalian argument for (supporting) abortion prevention *could* be addressed (indeed, just as those who are ‘confirmed’ in their omnivorism—or, at any rate, in their opposition to veganism—are not targets of the neo-Pascalian argument for precautionary veganism). A crucial question to keep in mind as we move forward in this section, then, is whether the *kind* of uncertainty that obtains, for some, regarding the legal question of abortion is equivalent, *for all Pascalian intents and purposes*, to that which obtains, for some, regarding the legitimacy of consuming animal products. For reasons which will become clear soon enough, these are, in fact, far from equivalent.

question is instead that of what advice (if any) one might potentially offer to a woman's own deliberations about same—it would seem to follow that the approach must also go through in the context of the legal question of abortion. If true, this would, I think, be distinctly unfortunate; and for a number of reasons. First; since vegans do not argue (at least not straightforwardly<sup>118</sup>) that the exploitation of animals, the consumption of animal products, etc. should be *illegal*, it would be conspicuous at best (if not outright dubious) for us to argue, in analogous terms, that abortion ought nonetheless to be illegal. Second, in doing so, we could not help but take on the significant theoretical burden of engaging, in depth and at length, with some very difficult questions in the philosophy of law: foremost of which, surely, being the question of when and why the state (or some other third-party) may permissibly intervene in a person's autonomy, to coercively compel him or her to act in a manner that is expressly at odds with their own conscience and convictions. Finally, and in some ways, perhaps, most importantly, the prospect of our being non-optionally drawn into an ongoing public/political debate as divisive, and inherently contentious as the abortion controversy seems unlikely to be such as to help the *cause* of veganism, either in terms of practical advocacy (i.e. changing

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<sup>118</sup> I shall return to this point in the conclusion of this chapter.

hearts and minds) or, indeed, from a public relation's standpoint.<sup>119</sup> It is fortunate, then, that the implication does *not* go through in this case. Let's see why.

The key to understanding why the neo-Pascalian argument does not generalize to the legal question of abortion lies with the fact that, unlike the cases discussed above, this is a context in which a woman's personal autonomy is not merely crucially at issue, but is in fact very much *at stake* as well. Recall that the previous cases all involved individual pregnant women who were themselves sincerely uncertain about the moral permissibility of abortion; the question(s) at hand being, on the one hand, how might someone in this situation morally responsibly decide what to do; and, on the other, what sort of advice or counsel might one morally responsibly offer here that could potentially assist the woman in reaching her decision? In other words, such women simply are not in the position of having their own discretion—that is to say, their autonomy—violated or overridden. On the contrary, whether a woman in these circumstances came around to her decision *via* first formulating and then deploying the neo-Pascalian approach in her own case, or else *via* considering its merits, at least initially, on the basis of someone

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<sup>119</sup> It is not controversial to observe that veganism is sometimes regarded as, so to speak, an *onerous* proposition indeed; esp. by those unfamiliar with the view, much less with the day in/day out *lifestyle*, and consumption practices, that it involves. In view of this, it does not seem unreasonable to suppose that some might regard the additional non-optional commitment on the part of vegans to support the strong 'pro-life' position as well as rendering the view only that much more 'radical' and 'bizarre.'

else's counsel, only to subsequently deploy it in her own case, this would, in fact, be an *expression of* her own autonomy.

To fully appreciate the relevant contrast between such cases and those which pertain to the legal question of abortion, consider the following possible objection to my claim that the neo-Pascalian approach does not find purchase here. Specifically, consider the counterclaim that, here as before, there surely *is* a uniquely morally permissible option that both sides of the abortion debate—pro-choice *and* pro-life—can and should accept as the appropriate solution to their deliberative impasse: namely, *carrying a child to term*. More to the point, given that this is so (and by my own analysis thus far), I should presumably revise my initial claim that the neo-Pascalian approach does not apply here. On the contrary (this objection concludes); not only does the approach *make sense* in this context after all, but it would seem quite plainly to deliver a particular verdict here as well: namely, that those individuals who are unsure regarding the legal question of abortion nonetheless can, and should, err on the side of caution (at least in the interim) by supporting the pro-life view.

This is simply not an accurate characterization of the difficulty (for some) of determining where one stands—indeed, where one *should* stand—on the legal question of abortion. In essence, the objection simply misses its mark, for it betrays a crucial misunderstanding of the sense in which, for many who are undecided about this issue, the crux of the difficulty is perceived (rightly) as turning on a genuine *dilemma*. More

precisely, the problem with this objection is that it fundamentally misrepresents one horn of the abortion dilemma—or better, the pro-choice/pro-life impasse—as though it were, in fact, an entirely benign option, when in reality it is anything but. Consider: *as reckoned from the perspective of those who are uncertain about the legal question of abortion*, the fundamental choice at issue is *not* between abortion on the one hand, or carrying a child to term *simpliciter* on the other; rather, it is between supporting a woman’s right to have an abortion (and all that this is thought to problematically entail), or else legally *requiring* that a woman who no longer wishes to remain pregnant must nonetheless be made to endure said pregnancy anyway, against her own preferences, by virtue of the state denying her access to the abortion procedure (and, to be sure, all that *this* is thought to problematically entail). Suffice it to say, the second disjunct here plainly involves a good deal more than that which is minimally implied by the phrase *carrying-a-child-to-term*. The fact that the action itself—or better, the full biological *process* that this phrase denotes—viewed in isolation and with no further description given, is (obviously) morally permissible—ditto that both sides of the legal debate surely do agree on *this* much—is clear, but also beside the point. The reason for this, of course, is also quite clear: there is *always*, in all cases of pregnancy, *a further description available*; in particular, and if nothing else, one that includes at least *some* reference to the actual interests and wishes of the woman herself *vis-à-vis her own pregnancy*. Simply put (and excluding the indifferent middle), one either wishes to remain pregnant, or one does not. But more to the point, the legal question of abortion,

and the debate surrounding this, *presupposes* that the salient ‘further description’ at issue is of the latter sort; i.e. the case in which a woman does *not* wish to remain pregnant. Thus, for the purpose of trying to determine one’s own stance in this debate, the pregnant women (actual and hypothetical) that one must keep in mind throughout are those whose relevant interests (namely; *in having an abortion*) a pro-choice stance seeks to protect, but a pro-life stance seeks to overrule; not those for whom the latter would make no difference.<sup>120</sup> In sum, the fact that pregnant women who wish to remain so should *of course* be free to do just that, is a given; but, then, this was never in dispute. After all, those women who are, *and who wish to remain*, pregnant are not the ones whose autonomy stands potentially to be overridden depending on the stance one takes in the legal abortion debate (and, to be sure, on how many others stand with you).

It should by now be quite clear, then, why the neo-Pascalian approach is a non-starter in this context. At its core, the *hardness* of the legal question of abortion—also the reason it is aptly described as a true moral dilemma—can be put in terms of *the unavoidable necessity of harm either way*. This is ultimately why the neo-Pascalian approach fails to supply any sort of practical guidance here. In short, this is a *balancing*

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<sup>120</sup> That is to say, ‘no difference’ to *her own* desire, and plans, to carry *her* child to term. What I emphatically do *not* mean by this is that all such women are, much less *should* be, ‘indifferent’ to the abortion debate, merely because they do not have a personal stake in its outcome. Obviously, it is perfectly possible (and utterly common) to be pregnant, to wish to remain so, and yet at the same time feel that those pregnant women who do not wish to remain so should be able to undergo an abortion.

*problem*; by which I mean, roughly, a situation that poses a question whose ‘solution’ implies a particular view as to how unavoidable harm should best be distributed (indeed, this is a question that is all the more confounded by the fact that the ‘harms’ in question, though morally serious indeed, are nonetheless radically different in kind, if not incommensurable). In view of this, here we find a case in which the ‘when in doubt; don’t’ rule [concerning harm] simply doesn’t apply. In so many words, any attempt to actualize the ‘err on the side of caution’ rule in this context breaks down for the entirely straightforward reason that it simply isn’t clear what this rule recommends here; that is to say, speaking from the standpoint of someone who is unsure, or agnostic, about the morality of permitting, versus legally preventing, abortion, it simply isn’t clear which of the two sides actually *is* ‘the’ side of caution. On the contrary, *both* sides involve harm, and hence neither is an appropriate candidate for, so to speak, ‘interim default position.’ In slogan, one is not in a Pascalian situation when all the options available might very well be bad ones<sup>121</sup>; or, at any rate, when this is how they seem.

## 3.2 Should ethical vegans oppose abortion?

Let’s take stock. We have thus far been primarily concerned with the question of whether or not there is a neo-Pascalian argument against abortion that follows, as a consequence, from the analogous argument for precautionary veganism. The answer to

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<sup>121</sup> Many thanks to Hilary Bok for this especially pithy summation of the point.

this question, as we have just seen at some length, is a qualified ‘yes and no:’ ‘no’ with respect to a particular implication that, had it gone through, would likely have given many vegans pause (viz. the notion of a Pascalian argument for abortion *prevention*); ‘yes’ in a sense that vegans can, I think, accept without concern. With that said, I would be remiss if I did not at least mention that it is of course possible that some vegans may still find the latter part of this conclusion problematic enough in its own right. To them, I would suggest that the remainder of this chapter can be read as an attempt to further allay any such reservations; specifically, by suggesting that confirmed ethical vegans in fact have distinctly vegan reasons for opposing (late-term) abortion, in the first and second senses of ‘oppose’ that I outlined earlier. It is, then, one of the *secondary* aims of this section of the chapter to hopefully show that the prospect of our recommending the neo-Pascalian argument to those individual women who are themselves uncertain about the morality of abortion is not only unproblematic unto itself, but is also consistent with how, on reflection, we should view the situation anyway (meaning: all Pascalian considerations aside).

The *primary* aim of this section, however, is to examine, head-on, the more foundational question of whether ‘confirmed’ ethical vegans should oppose abortion *by their own lights* (i.e. *qua* vegan). As before, this is a question that can, and should, be explored in the context of each of the three different senses, or, if you like, *levels of analysis*, according to which one might oppose abortion: namely, the self-regarding



*personal* context; the other-regarding *interpersonal* (although purely moral) context; and, finally, the other-regarding *legal* context.<sup>122</sup> Also as before, the answer to this question, I shall argue, is once again a heavily qualified ‘yes and no.’

To begin, we shall have to better acquaint ourselves with the intuitive argument for why vegans should be seen as natural allies of those who oppose abortion.<sup>123</sup> To that end—and because she has done an admirable job of the task already—I would refer the reader to Sherry F. Colb’s engaging discussion of this issue in chapter 7 of her

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<sup>122</sup> Here I would make a small plea for patience: although it is surely methodologically and analytically preferable to keep these contexts as separate from one another as possible; the considerable complexity of the issue, coupled with the fact that many, arguably most, people who address it do not themselves always explicitly mark these distinctions in their own remarks—indeed, sometimes not even in cases where one context can be plausibly inferred as more likely to have been intended than another—at times makes this quite challenging to achieve in practice. That said, I shall do my best.

<sup>123</sup> Interestingly, the converse—i.e. that those who oppose abortion are in fact natural allies of vegans—tends to be observed far less often. Though he does not put the point in quite these terms (and granting that he appears to have ethical *vegetarians* in mind, as opposed to vegans), Singer provides a nice illustration of the point on pp.150-151 of his *Practical Ethics*, 2<sup>nd</sup> Edition (Cambridge University Press; 1999). Here, he writes,

“The belief that mere membership of our species, irrespective of other characteristics, makes a great difference to the wrongness of killing a being is a legacy of religious doctrines that even those opposed to abortion hesitate to bring into the debate.

Recognizing this simple point transforms the abortion issue. We can now look at the fetus for what it is—the actual characteristics it possesses—and can value its life on the same scale as the lives of beings with similar characteristics who are not members of our species. It now becomes apparent that the “Pro Life” or “Right to Life” movement is misnamed. Far from having concern for all life, or a scale of concern impartially based on the nature of the life in question, those who protest against abortion but dine regularly on the bodies of chickens, pigs, and calves, show only a biased concern for the lives of members of our own species.”

aforementioned (solo) book entitled “Are You Against Abortion?”<sup>124</sup> Ultimately, Colb’s aim in this piece is to respond to the claim—more precisely; the *inconsistency* charge—that ethical vegans who do *not* oppose abortion are in fact at odds with the logic of their own convictions.<sup>125</sup> As we will see in some detail later on, Colb’s analysis here is primarily pitched at the level of the legal question of abortion; in other words, “Why Aren’t You Pro-Life?” would equally well capture the question, and the challenge, that exercises her in this chapter. Even so, as our own analysis moves beyond *that* question, we may still find that much of what Colb says in developing her response to the legal question in fact bears importantly on the further question of whether vegans should (must?) regard abortion as immoral. I shall return to this shortly.

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<sup>124</sup> See esp. the section entitled “Similarities Between Abortion and Animal Consumption” pp. 73-76—to which my own understanding of this issue is heavily indebted. If nothing else, Colb’s discussion here should provide an excellent *primer*, of sorts, to anyone who is wholly unfamiliar with the idea that veganism and the ethics of abortion are seen, by some, as having a good deal in common.

<sup>125</sup> It should also be noted that Colb spends a good deal of time here, particularly early on, discussing a variety of apparent similarities between the ethics (and practice) of animal consumption on the one hand, and that of abortion (broadly construed) on the other—only some of which, it seems safe to say, is intended to help philosophically motivate the actual *objection* that her topic question is meant to underscore (the remainder of these points, one assumes, are raised more in the spirit of providing the reader with some general background, or context—albeit largely speculative—as to *where* this particular ‘question people ask vegans’ might be thought to arise from in the first place). Consequently, though her preliminary discussion contains an impressive range of non-obvious, often quite compelling, sociological observations about some of the possible ethical correlations between abortion and animal consumption (or, at any rate, about the *perception* of such correlations), there is also a great deal here that I must simply pass over, since for my purposes, the most important aspects of this are those which strictly pertain to the actual argument in support of the objection itself.

What follows, then, is my own attempt—largely paraphrased and adapted from Colb’s more extensive account—to provide a rough schematic outline of the intuitive argument. But first, it is worth stressing again that our present concern is strictly limited to the question of whether or not there are *distinctively vegan grounds* for opposing abortion. It goes without saying that there are of course any number of reasons and arguments on offer that have nothing whatsoever to do with veganism and animal rights that vegans might nonetheless endorse as providing sufficient grounds for opposing abortion. The question at hand, then, is whether or not affirming veganism is a *sufficient* condition for opposing abortion; for it is plainly not a necessary one.

## THE INTUITIVE ARGUMENT

1. Abortion and the consumption/use of animal products both involve violence (ultimately ending in death) to innocent beings.
2. In both cases the innocent beings upon whom the violence is committed are defenceless, inherently vulnerable, and have no say in what’s done to them, and thus no means of resisting.
3. In view of these relevant similarities, *if* one is morally opposed to said violence in the one case, one ought rationally to oppose it in the other as well.

To be clear, the question that Colb takes up in the chapter is “are you against abortion?” *as addressed to vegans*; not “are you vegan?” *as addressed to anti-abortionists*. With that in mind, I hasten to clarify that the biconditional formulation of point 3 is entirely my own doing; not hers. In fact, as Colb goes on to observe (surely rightly), there is an obvious, straightforward, and all-but immediate response available

here for many non-vegan anti-abortion advocates who may find themselves faced with this question; namely, to maintain that the implication at issue does not actually go through in their case because (as they see it) cows, pigs, chickens, etc. are in fact crucially morally distinct from human fetuses: simply put, fetuses are ‘human beings’ (or, at any rate, *potential* human beings); cows, pigs, and chickens, on the other hand, are (‘just’) *animals*. Needless to say, vegans do not regard this as a philosophically strong response; nor should anyone else. On the contrary; the problems that beset such openly speciesist arguments are, as we have already seen, many and serious; this, however, is not the time to revisit them. Nor, I should perhaps add, do I mean to suggest that *all* non-vegan anti-abortion advocates are apt to resist point 3 in this fashion (although, I confess, it does not seem much of a stretch to say that there are many who surely would; indeed, there are many who do). The point, rather, is merely to observe that most non-vegans, unlike most (if not all) ethical vegans, do *not* explicitly reject speciesism<sup>126</sup>—in fact, some even go so far as to argue explicitly that our humanity *should* be taken to be of fundamental moral importance (indeed, even some *vegetarians* take this view)<sup>127</sup>—hence; from the perspective of many anti-abortionist non-vegans the very idea that perhaps one

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<sup>126</sup> Though many surely would, and do, endeavour to reject the *charge* of speciesism (e.g. by denying that this is actually problematic, something to be avoided, etc.).

<sup>127</sup> Cora Diamond, for example. See esp. “Eating Meat and Eating People,” in her book *The Realistic Spirit: Wittgenstein, Philosophy, and the Mind*, (Bradford: March, 1995). See also her “The Importance of Being Human,” in David Cockburn (ed.) *Human Beings*, (Cambridge University Press: 1991)

ought to become, as it were, ‘derivatively vegan’<sup>128</sup> is hardly compelling; but more to the point, it is at any rate much *less* compelling than the parallel implication is for vegans: to wit; that perhaps one ought to become derivatively *pro-life*. On that note, and bracketing, for now, the interesting further question as to whether *non-speciesist* non-vegan anti-abortion advocates ought, by their own lights, to become vegan, we arrive at the following amendment to 3 (which is essentially just to extract the first of the two conditionals, leaving the other to one side).

3\* In view of the relevant similarities outlined in 1 and 2, *if* one is morally opposed to said violence in the case of non-human animals (viz. if one is ethically vegan), one ought rationally to oppose violence (abortion) in the case of human fetuses as well.

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<sup>128</sup> For a better sense of what I have in mind with this terminology, consider the following brief (and no doubt incomplete) summary of the logical space of options concerning the different possible *explanatory relations* that might hold between someone’s veganism and their opposition to abortion (note, too, that while I use the phrase ‘pro-life’ in what follows, the same point applies equally in the case of those who might oppose abortion in the other two senses as well).

1. *Ethically vegan and derivatively pro-life*: i.e. the reasons one takes oneself to have for adopting a pro-life position in the abortion debate are largely based in, or follow from, one’s prior veganism.
2. *Pro-life and derivatively ethically vegan*: i.e. the reasons one takes oneself to have for being or becoming vegan are largely based in, or follow from, one’s prior views on (the wrongness of) abortion.
3. *Non-derivatively ethically vegan and pro-life*: i.e. the reasons one takes oneself to have for being pro-life are separate from, and independent of, one’s veganism (and *vice versa*). An example of a wholly vegan-independent reason for being pro-life might be if one were convinced by, say, Don Marquis’ ‘future like ours’ account of the serious presumptive wrongness of abortion. This, then, would be a human-specific (or at least human-*centric*), though *non-speciesist* account of why abortion is morally wrong; as such, it really has no relation to one’s veganism.

Though compelling as far as it goes—and certainly an improvement (at least for present purposes) over the controversial phrasing of 3—the preceding sketch still does not go quite far enough, for it leaves open the question of the *scope* of the opposition at issue. More specifically, 3\* does not indicate whether someone who accepts its conclusion should oppose abortion *full stop*; or only certain abortions (and, if the latter, which ones and why?). For vegans, the appropriate response to this question can be found in short order, for we need only take a closer look at the phrasing in points 1 and 2, a crucial component of which is plainly in need of some unpacking.

Consider, in particular, the reference that is made here not merely to ‘violence’ itself (i.e. violence *as such*), but rather to this as something that is *done to* ‘innocent beings.’ This is significant, since, after all, the (ridiculous) prospect of my engaging in some spree of wonton destruction of, say, all the furniture in my home, or perhaps the trees or shrubs in my yard, is also plausibly an act of ‘violence,’ and yet we plainly would not count this as an instance of my having *morally wronged* the sofa, the oak, the lilacs, etc. The point, then, is that though we may certainly act violently in these and various other ways, these scenarios clearly do not present examples of the *kinds* of things to which one could even remotely coherently be said to *owe* duties of *non-harm*, *non-violence* (or indeed anything else); the reason being, of course, that while some of the things just mentioned are surely ‘alive,’ *none* of the things just mentioned are ‘beings.’ How, then, from a vegan perspective, does all of this play out in regards to non-human

animals and human fetuses? One thing, at least, seems clear enough: though this term is plainly apt and, at any rate, only too obvious in the case of the literally billions of ‘food’ animals that are slaughtered each year in the animal industrial complex (put otherwise; there is no semantic confusion, conceptual difficulty, nor even political controversy in our purporting to describe, say, a cow as a *being*<sup>129</sup>), this designation is in the very least contentious if used, without qualification, in the case of human fetuses. In fact, the salient point here arguably goes quite a bit deeper; specifically, there are good grounds for thinking that, at least with respect to a significant portion of a fetus’ development, this term would actually be entirely out of place. Consider: though a 6-8 week-old fetus, for example, is plainly and undeniably an *organism*, this is not obviously tantamount to saying that it is a ‘being’ as well (‘innocent’ or otherwise): the reason being that the latter is arguably a far richer concept—or better, *status*—than the former. Indeed, to (accurately) describe this or that creature as a ‘being’ is to effectively *presuppose* that the organism in question is experientially conscious (viz. is the possessor, or locus, of states or sensations that are ‘like something’ to have or undergo).

And therein, of course, lies the crux of the problem with points 1 and 2 as stated, since it is here that we find precisely the conceptual confusion that surely *would* ensue if one were to describe an early-stage human fetus (much less a zygote or an embryo) as

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<sup>129</sup> And granting, as is perhaps also only too obvious, that there sadly *surely is* a great deal of such controversy surrounding the question of what, if any, moral duties we owe to such beings.

a ‘being.’ In short, the problem is this: if an organism lacks entirely the capacity to feel pain, pleasure, or anything else—i.e. if an organism is, and has always been, completely *non-conscious*—then it is at best unclear how we can even so much as make *sense* of the notion of ‘interests’ (to say nothing of ‘rights’) in regards to it<sup>130</sup>; and hence it is likewise unclear how (in truth, *whether*) we can really speak of such an organism as being an appropriate target of *distinctively vegan* moral concern at all—at least with respect to the sort of *fundamental* consideration that vegans argue is paradigmatically owed to those creatures—e.g. cows; pigs; our fellow human beings—whom we readily, and rightly, understand to be *subjects* with intrinsic moral standing in and of themselves; rights-bearing creatures whose basic interests count *for their own sake*, and whose well-being should thus be taken to matter *independently* of the interests and desires of others; and so on.

In light of the considerations just raised, then, we are forced to conclude that points 1 and 2, properly understood (at least by ethical vegan lights), can ultimately only be seen to apply to those abortions which are, or which might be, carried out *after* the point at which it becomes plausible to say that the fetus is/has become *sentient*. Put otherwise, it is only once the fetus has become sentient that it makes sense to

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<sup>130</sup> Nor must one be vegan to think this; on the contrary, the view that sentience, at a bare minimum, is a necessary precondition for *having* interests is a position that has been endorsed by a variety of non-vegan thinkers: most notably, perhaps, Ronald Dworkin, in his influential book *Life's Dominion: An Argument About Abortion, Euthanasia, and Individual Freedom*.



conceive of the inherent ‘violence’ of the abortion procedure itself (*qua* something that is ‘done to,’ or *at the expense of*, another ‘being’) as raising comparable moral concerns to those which obtain in the case of human violence to animals. Though it is of course notoriously difficult (very likely impossible) to pinpoint the precise *moment* at which a developing fetus becomes sentient, this is, nevertheless, the critical dividing line for vegans, for it is also the threshold that marks its transition from mere *biological existence qua distinct individual **organism***, to *moral status qua distinct individual **being***, along with all that this entails. Colb agrees;

Part of why many of us feel much less comfortable about late abortions than about early ones may be that the early human organism lacks the traits that we associate with human beings, most notably sentience. Pro-life doctors and pro-choice doctors differ somewhat in identifying the point of sentience, but not by much. The consensus seems to place the line somewhere between 20 weeks after conception, which is usually called 22 weeks gestation (because doctors typically measure gestation from the first day of the woman’s last menstrual period), and 22 weeks after conception (24 weeks gestation).

Therefore, I can favour animal rights for ethical reasons *and* favour a woman’s right to have an abortion prior to fetal sentience, without any contradiction. A being who can have experiences has the moral entitlement not to be killed or subjected to pain and distress. One can be a human organism without being sentient, because one has not yet reached the developmental stage at which one can feel pain, pleasure, or anything else. And one can be a sentient nonhuman being, as cows, chickens, fishes, and other animals we consume are.

A human zygote or embryo is thus as different from a 30-week fetus, along the dimension of sentience, as it is from a newborn calf. Understanding this overlap in human and nonhuman sentience, we can view some but not all abortions as raising the kinds of moral questions that consumption of animal products raises.

The moral question is one about sentience rather than one about species.<sup>131</sup>

[Underlining added]

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<sup>131</sup> Colb, *Ibid.* pp. 76-77

Two points; the first of which comes in two parts: (a) whether or not one finds, or should find, the prospect of aborting a *pre*-sentient fetus morally *problematic* (and to say nothing of how *personally* difficult this decision can be,<sup>132</sup> and very often is, for individual women who are faced with actually having to make it), it is only regarding those abortions potentially performed after the fetus is sentient that the question of moral *permissibility* becomes salient for vegans (*qua* vegan); in view of which, (b) it is only in the context of this particular sub-set of abortions that judgments of *impermissibility* become compelling<sup>133</sup> (to vegans).

Second, it is worth noting that the argument we have been considering really does not supply any reason for thinking that vegans are somehow obliged, *prima facie*, to oppose late-term abortions categorically—or, to put it another way, for thinking that there is any *singular* pressure in this regard, given our views about animal rights, that non-vegans who oppose abortion are spared. On the contrary, anti-abortion vegans can

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<sup>132</sup> It is no part of my intention with this chapter to at any point appear to suggest, or even to intimate, that abortion, at any stage of pregnancy, is ever a decision that anyone is apt to take lightly. Hardly. In fact, I would also take this opportunity to acknowledge my awareness that many abortions take place not merely after extensive introspection and deliberation on the part of the mother, or couple, in question, but also in such a way that the decision itself is reached, in the end, only reluctantly, with much regret, or even sadness.

<sup>133</sup> For simplicity's sake, I am choosing to bracket the question of whether, e.g., in some purely imaginary-hypothetical scenario in which someone might conceivably wish to abort their *pre*-sentient fetus for reasons which are *obviously* (and to say the very *least*) morally problematic—i.e. cases where the reasons in question are either utterly trivial, absurd, plainly reprehensible; etc.—the prospect of abortion perhaps *should* be seen as impermissible. As to what sorts of reasons might satisfy such a description, I leave to the reader's imagination.

perfectly well allow for what we might think of as *legitimate justifying reasons* for abortion (even late-term/post-sentience abortion) every bit as much as anti-abortion non-vegans. Though I do not intend the following as an exhaustive list in this regard, some fairly obvious examples of what such a list would have to include spring immediately to mind: most obviously, surely, would be cases in which continued pregnancy would severely undermine the mother's health and/or threaten her life; or cases where evidence is discovered of serious fetal abnormalities—in particular, abnormalities which are either inconsistent with life itself, or (more controversially) with a life *worth living*. (For reasons that will be made clear later on, with respect to those vegans who *do* morally oppose late-term abortion, the question of whether a woman is morally justified in aborting a *sentient* fetus that is the result of rape is not, I think, as straightforward as it might appear at first blush. In the very least, I will suggest this is not an *obvious* or 'easy' case; although, even amongst those who can agree on this much, opinions will surely vary as to how 'hard' it is. More on this below.) Putting these two points together, we may now amend 3\* as follows:

3\*\* In view of the morally relevant overlap regarding sentience between a sufficiently developed human fetus on the one hand, and the non-human animals who routinely suffer and die *unnecessarily* in modern animal agriculture on the other, *if* one is morally opposed to said violence in the latter case (viz. if one is ethically vegan), one ought rationally to oppose late-term *elective* abortions as well.

### 3.3 Colb and Dorf on Good Samaritanism and the pregnant woman's unique dilemma

The preceding sketch, I think, reveals a very powerful argument indeed; certainly, and in the very least, it is one that vegans cannot afford to take lightly (at least not those of us who wish to understand the logic of our own convictions). To their credit, Colb and Dorf agree wholeheartedly, and have provided what is perhaps the most sustained and systematic attempt to think through this issue to date. Though I very much admire their efforts in this regard—and agree with them on a number of points (both philosophical and pragmatic)—there are also a variety of considerations that they raise in support of their argument, as well as certain framing strategies they employ throughout, that I find, on the whole, somewhat unsatisfying. With that said, much of what follows can therefore be read as offered in the spirit of a kind of ‘family dispute;’ that is to say, a discussion carried out against the background of a shared commitment to collaborative philosophical inquiry and mutual criticism, yes; but also, and more to the point, with an abiding awareness of the fact that, overall, there are many more points of agreement between us than disagreement. Even so, as with most such disputes, it is the latter, not the former, that merits the most attention.

Since Colb's chapter in her earlier book arguably serves as the foundation and springboard for their later, far lengthier, collaborative treatment, it is appropriate that we shall begin our review there. Indeed, it seems fair to say that much of the analytic

‘heavy lifting’ of their co-authored book largely consists of an attempt to elaborate, and extend, the core argument that Colb set forth earlier.

Before we begin our review of Colb’s account in earnest, one of the more obvious, though no less important, differences between the abortion debate and the vegan-omnivore debate should be noted. The difference to which I am referring is of course that concerning the relative *physical* (and/or health-related) implications of becoming vegan on the one hand, versus those of becoming *and remaining* pregnant on the other. Specifically, it is important that we not overlook the fact that the decision to eschew animal products in one’s diet and lifestyle *in no way* involves the same (often substantial) physical discomfort that necessarily attends the decision to carry a child to term. Indeed, becoming vegan actually entails *no* physical hardship whatsoever. In fact, some (including Colb herself) have even gone as far as to suggest that not only does a vegan diet not make one physically *worse* off, it actually has the potential to make one physically *better* off. This is not, however, a claim I wish to pursue at this time; the reason being that regardless of what one thinks of this—I myself am sympathetic, if not entirely convinced—there really is no debate anymore as to the larger, and surely more important, point that one can certainly be *at least as* healthy on a vegan diet as a non-vegan one.

By contrast, though it would of course be overly simplistic and inaccurate to say that a pregnant woman is, by that measure alone, ‘less healthy’ than an otherwise

physically similar non-pregnant woman, there is also no denying the fact that the prospect of carrying a child to term is a physically demanding one, to say the least (indeed, to say nothing of the potentially negative, or at least disruptive, implications this could additionally have on a woman's career, her lifestyle, her financial well-being, and so on). Moreover, virtually all pregnancies involve at least *some* element of risk to the mother's health, even if only a small one (although, to be sure, how great, or how small, the risk may be can vary considerably from case to case). In short, these considerations point to a difference that would seem to make *a* moral difference, even granting that it is perhaps not entirely clear how *much*<sup>134</sup> difference considerations of this sort should be seen to make from the confirmed vegan's perspective.

Though the asymmetry just described is surely an important part of Colb's argument, it is hardly the whole of it. As she sees it, for vegans and non-vegans alike, the key to understanding the structure—ditto the apparent intractability—of the abortion debate turns on our apprehension (or misapprehension, as the case may be) of what she dubs “the pregnant woman's unique dilemma.” As she puts it,

One cannot accurately discuss the issue of abortion, however, without considering the perspective of the pregnant woman who carries the fetus inside her body, both before and after the fetus becomes sentient. The pregnant woman has a very different physical relationship with her pregnancy and with

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<sup>134</sup> We will return to this point, at length and in some depth, shortly.

the consequences of what she does about it than the rest of us have with the people around us who may fall victim to violence.<sup>135</sup>

To get things underway, Colb begins her account with the familiar, and relatively uncontroversial, observation that moral responsibility is generally understood to attach either to an agent's action(s) or, as the case may be, to their inaction(s). Expanding on this, Colb next notes, surely rightly, that there are often additional gradations and qualifications [to our *judgments* of moral responsibility] that we normally invoke depending, *inter alia*, on (1.) the *directness* (for lack of a better term), or intimacy, of one's involvement in the act in question (i.e. was the action something that the agent whose responsibility we are trying to assess performed personally; or was it rather something that the agent solicited another to carry out on his or her behalf?), but also (2.) on the presence, or absence, of any relevant countervailing considerations that might inform our understanding of the context and circumstances within which the action was, or was not, performed (e.g. what, if any, foreseeable risk was involved in the action being considered? What, if any, foreseeable consequences would result? In short, what is hanging in the balance?).

To better unpack the significance of these familiar, if somewhat abstract-sounding, points, Colb presents a series of illustrative thought experiments—the first of

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<sup>135</sup> Colb, 2013. p. 78

which invites us to imagine an agent, Cain, who wants to kill someone, Abel, but who is too squeamish (or whatever) to do the deed himself, and so instead hires another agent, Delilah, to do it for him. A hard-line ‘pro-life’ position will say that a woman’s decision to abort is roughly morally on par with Cain’s actions here.

Next we are to imagine someone else, Bathsheba, who comes upon the dying Abel, and thus faces the following choice: either she could walk right on by and let Abel die; or she could, e.g., staunch his wound with her scarf, call an ambulance, and ultimately save his life. Generally speaking, Colb suggests, we tend to think that, should Bathsheba elect to walk on by, this would be horrible, but still less morally blameworthy, on the whole, than the actions of Cain and Delilah. Horribly, Bathsheba walks on by. Now imagine a different bystander—Colb calls her Deborah—in a slightly embellished version of the same scenario. In particular, suppose that, rather than merely staunching his wounds and calling for assistance, the situation was instead such that (for whatever reason) the *only* way to save Abel is for Deborah to, say, donate her kidney. Though most of us (arguably) would *not* fault Deborah for choosing not to do so (Colb calls this version ‘Deborah 1’); Colb suggests that, in the alternative event in which Deborah *did* decide to go through with the donation (she calls this version ‘Deborah 2’), we would here be inclined to think of Deborah as a true Good Samaritan, and rightly so. Deborah 2, in other words, is someone who has gone above and beyond (perhaps even well beyond) what we ordinarily think of as one’s base moral responsibility in such cases. After all,



the surgical procedure involved in the transplant is not without risk; on top of which there is the potentially lengthy recovery period that Deborah must also endure as a result of her decision (to say nothing of the possibility of associated health complications that might manifest over time).

Finally—and, as will become clear shortly, just as importantly as the case of the two Deborahs—we are asked to consider a slightly different version of Cain: she calls him ‘Refrain.’ The only difference between the two is that although Refrain also wants to kill Abel, at least initially; he ultimately decides not to. Now, to be sure, it is true that Abel comes out alive in both cases—i.e. the case of Refrain; and that of Deborah 2—and yet we would hardly favour Refrain with the same moral praise and admiration that we would (and presumably *should*) show for Deborah 2. In fact, we would not, and arguably *should not*, favour Refrain with *any* moral praise whatsoever; after all, where Deborah 2 has gone above and beyond the call of duty, Refrain has really only managed to satisfy what we might think of as the bare moral minimum—i.e. he has merely complied with the basic duty not to kill people.

Using these various scenarios as reference points, Colb proceeds to identify, and to unpack, what she suggests is one of the key sources of mutual confusion and misunderstanding that underlies (and even drives) the abortion controversy. In brief, her point here is to suggest that, owing to the traditional rhetoric and framing strategies practiced on *both* sides of this debate, each is, in its own way, guilty of distorting the

true complexity of the issue. Beginning with the ‘pro-life’ side, Colb notes that there is a strong tendency here to downplay the considerable physical hardship (and associated health risks) of enduring an unwanted pregnancy—i.e. the sense in which, as she sees it, this really does constitute a kind of Good (or even *heroic*) Samaritanism—and, instead, to place the focus largely, or even entirely, on *the deliberate act of killing* that is the abortion procedure itself. Colb thus suggests that the pro-life side of the debate tends to view the pregnant woman’s obligation to *not* abort as essentially akin to the case of Refrain, who, in electing *not* to kill Abel, has merely satisfied the minimal moral duty not to kill. In other words, from this perspective the relationship of the pregnant woman (who wants *not* to be pregnant) to the fetus living inside her is treated as being really no different, *morally speaking*, from the fundamental relation in which each of us *already* stands to one another: i.e. just as my not killing—or, for that matter, *being killed by*—someone can ultimately (if somewhat reductively) be described in terms of an abiding respect, and compliance, with what is perhaps the most basic of all moral duties (i.e. the duty not to kill people), so too should the pregnant woman—‘merely’ and, as it were, *minimally—refrain* from actively killing the fetus. In this sense, Colb suggests that the pro-life side thus treats the pregnant woman who *remains* pregnant as a mere passive bystander to her fetus’ continuing survival.<sup>136</sup> Put otherwise, viewed from this

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<sup>136</sup> Paraphrase, Colb. Ibid. p. 80, third paragraph.

perspective, the only thing that the pregnant woman ought morally to ‘do’ about her unwanted pregnancy... is nothing.

Moving right along, Colb next observes that the pro-choice side typically downplays the affirmative, deliberate act of killing that the abortion procedure *is*, and instead tends to gloss the mother’s decision to abort as though this was also somehow akin to being a mere bystander. That is; viewed from this angle, the pregnant woman who elects to abort is typically framed (whether implicitly or explicitly) as acting in a manner that is morally no different from the case of Deborah 1 (i.e. the non-culpable bystander)<sup>137</sup>. The reasoning here, at bottom, is essentially just to suggest that the pregnant woman who decides to abort does not act immorally because she has merely decided *not* to supererogate—i.e. *not* to go above and beyond the call of duty by enduring significant physical hardship, risk to her own health, etc. to ensure the survival of

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<sup>137</sup> Paraphrase, Colb. Ibid.

another human being. More to the point, the *right* and prerogative to decide thusly is, on this view, characterized as being as much the pregnant woman's as it is Deborah's.<sup>138</sup>

To summarize, the upshot of Colb's analysis—indeed *diagnosis*—of the abortion controversy is contained in her suggestion that neither side has historically managed to present a fair, nuanced and accurate account of the pregnant woman's *actual* situation because each side has misleadingly (if somewhat unwittingly) promoted its own (ill-fitting) version of the 'pregnant woman as bystander' notion as though this was somehow the all-important, decisive consideration that the other side has simply failed to appreciate. In fact, not only is this notion (in either form) *not* decisive, says Colb, the very application of the notion to this issue is itself fundamentally confused, for the role in question is not actually one that it is even so much as *possible* for a pregnant woman to assume in relation to her own unborn child. To be sure, this feature of the pregnant woman's situation contrasts sharply with the logical structure of the vast majority of

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<sup>138</sup> I feel I should perhaps add at this point that Colb is *of course* well aware that Deborah's situation differs from that of the pregnant woman (who wants not to be pregnant) in a number of important respects—most obviously being that where Deborah, bystander that she is, has simply had the misfortune of chancing upon the dying Abel, pregnant women who wish not to be pregnant ordinarily bear at least *some* responsibility for the dilemma they face insofar as they consensually engaged in sexual intercourse. That being said, as Colb rightly stresses, “[W]e cannot accurately say that simply by having sex, the pregnant woman takes on the obligation to carry a pregnancy to term. The reality is that having sex risks a pregnancy, but it does not invariably or even usually cause one. In any individual act of unprotected sexual intercourse, the odds of a pregnancy are quite low, on the order of 2-2.5%. The odds are even lower among the many women who use contraception.”—p. 80. See the bibliography and works cited section for Ch. 7 of her book for the actual studies/data that Colb cites in support of these claims.

other cases involving harm—and the necessity of choice therein—that we might find ourselves in. Consider: ordinarily when we find ourselves in such a case, we are faced with (at least) three options—or, more precisely, with options of three general types<sup>139</sup>: [these are] (1.) to act so as to positively cause harm; (2.) to be a bystander (e.g. like Bathsheba or Deborah 1); or (3.) to act so as to positively prevent (or at least mitigate) harm. Colb argues, however, that the key to understanding why the pregnant woman’s dilemma is truly unique turns on the fact that here *there is no middle option* (i.e. the bystander option) of *neither* intervening to give aid (and thus save a life), *nor* acting directly to bring about harm (and thus actively cause death). Pregnant women simply are not—and *cannot* be—bystanders to the fate of their unborn children. Rather, the only options available to the woman whose pregnancy is unwanted are those of the first type, or the last: affirmative killing, or Good Samaritanism. Colb explains,

One reason that there is no simple solution to this impasse between pro-choice and pro-life visions is that the pregnant woman’s circumstances do not neatly fit the moral categories by which we regularly and intuitively judge people’s behaviour. These categories provide for three morally distinct roles: the bad actors (Cain and Delilah), the bystanders (Bathsheba and Deborah 1), and the Good Samaritan (Deborah 2). Seeking the comfort of familiar categories, we are therefore inclined to pretend—in either one direction or the other—that these categories still apply and that having an abortion really is just an affirmative act of violence or that it really is just a failure to provide burdensome and risky life-saving assistance to someone in need. In truth, it is unavoidably both of these things at the same time.<sup>140</sup>

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<sup>139</sup> Paraphrase, Colb. Ibid.

<sup>140</sup> Colb, Ibid. p. 81

Thus, as Colb sees it, the pregnant woman's dilemma is sufficiently distinct from the (far easier) question of whether we ought, or ought not, to consume animal products as to make a pro-choice stance on abortion compatible with ethical veganism. To help make the salient differences even more vivid, Colb further observes that, quite unlike the case of a woman deciding whether or not to have an abortion, the decision (that we all face) of whether or not to consume animal products does not itself actually allow for Good Samaritanism either way. On the contrary, the person who opts to abstain from the consumption of animal products is really only doing the moral minimum. As she puts it,

Ethical vegans are not Good Samaritans, any more than Refrain (who refrained from killing Abel, despite the temptation) is a Good Samaritan. Both vegans and Refrain are simply refraining from participating in violence. Neither is acting affirmatively to 'save' anyone.<sup>141</sup>

Nor, as we have already seen (and as Colb is keen to emphasize), do we vegans endure physical discomfort and hardship, health complications, or indeed anything of the sort as a result of our abstinence—which, again, underscores a pronounced difference from the case of a woman contemplating the prospect of carrying an unwanted pregnancy to term. This is not to say, of course, that one *cannot* be a “Good Samaritan” for non-human animals; surely one can be: for example, one could volunteer at a shelter or a

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<sup>141</sup> Colb. Ibid.

rescue. Colb's point is simply that becoming vegan does not itself constitute Good Samaritanism. In truth, this is the *least* we can do.

The larger point here, however, is just to observe that our relation to non-human animals is radically unlike a pregnant woman's relation to the fetus living inside her, precisely because the former sort of relation is actually *very much like* the one we all already stand in to virtually all other categories of human beings. In particular, the space of options here actually *does* conform to the familiar three-fold structure that frames our (general) understanding of the majority of moral issues involving harm. Colb explains,

In reality, then, we have the same three options available when it comes to animal suffering that we have in virtually all cases of human suffering: (1) we can be Good Samaritans and act affirmatively to save lives, by intervening and sheltering those destined for slaughter; (2) we can be ethical vegan bystanders and refrain from participating in causing the suffering, though we do nothing to intervene and rescue its victims; or (3) we can actively participate in the killing, by consuming the output of animal farming.<sup>142</sup>

With the preceding considerations in view, Colb summarizes her position as follows.

As consumers, then, we are different from the pregnant woman, who must choose between playing the physically demanding, painful, and risky role of Good Samaritan for her developing baby, on the one hand, and affirmatively bringing about that baby's death, on the other. That is why preventing a pregnant woman from committing violence against her fetus through abortion simultaneously and unavoidably compels her to endure pregnancy, labour, and delivery on the fetus's behalf. And it is why, while I support the right of every

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<sup>142</sup> Colb, *Ibid.* p. 82

sentient animal to remain free of human exploitation and violence, I remain pro-choice on abortion, even in the gut-wrenching minority of cases that occur after the fetus is sentient. Being vegan does not require pain and risk or a compromise of bodily integrity, while being pregnant does. Whether or not to permit post-sentience abortions therefore poses a difficult question. Whether to demand slaughter for products we do not need to live and thrive does not.<sup>143</sup>

What are we to make of this? First, while I do feel that Colb's argument succeeds well enough in the context of showing how and why ethical vegans can remain 'pro-choice' on the *legal* question of post-sentience abortion without 'inconsistency' or 'hypocrisy' *per se*, I find her account far less compelling in connection with the remaining two (non-legal) contexts of possible opposition to abortion. Granted, though much of what she says here plainly *bears* on the purely moral questions at play in this debate as well, the bulk of the language she uses throughout the chapter (e.g. 'prevention;' 'prohibition;' 'coercion;' 'restriction;' 'the *right* to decide for oneself;' and above all: 'pro-life' vs 'pro-choice') tends to nourish the impression that she is firstly approaching this topic with an eye to what, following Singer, we may call "abortion law" *contra* "abortion ethics." (Nor are matters altogether remedied in this respect in *Beating Hearts*; though they are, it seems to me, much improved.) What follows, then, is in large part but my own attempt to summarize and explain the basis of my dissatisfaction on this score. To best do so, however, I will also provide a series of arguments—oftentimes thought-experimental—for why vegans *should* regard post-sentience abortion as immoral. Put

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<sup>143</sup> Colb, *Ibid.* pp. 82-83



otherwise, I will argue that ethical vegans (a) should be morally opposed to the prospect of actually *having* an elective late-term/post-sentience abortion; and (b) that we should be prepared, at least in principle, to respectfully discourage this in the case of others, when and where one's counsel is sought; in other words, vegans should morally oppose elective late-term abortion in each of the two non-legal senses outlined earlier. Before we begin in earnest, I should note that there is in fact a qualified sense in which Colb and Dorf actually agree with me, at least up to a point. See, for example, pp. 42-43 of *Beating Hearts*; here, they write:

[O]ne might think that abortion is morally impermissible regardless of whether abortion is best characterized as an act or an omission because a pregnant woman aborts her own baby, to whom she has a special duty of affirmative aid. We think that is indeed true, at least presumptively, with respect to a sentient fetus. [My emphasis]

And, slightly further down, having just distinguished between moral and legal duties, they add...

One might well conclude that a woman has a moral duty not to abort a sentient fetus but might still think that the law ought not to forbid her from doing so.

Indeed one might; I in fact *do* think this. The crux of my disagreement with Colb and Dorf, then, as will become clear in due course, ultimately turns on the question of what kinds of countervailing considerations could suffice to overturn this presumption, and thus *justify* post-sentience abortion. More fundamentally, my dissatisfaction with (portions of) their account largely stems from what I will suggest is the unfortunate, quite frequent, and ultimately unconvincing use to which they put the notion of 'Good Samaritanism' in their argument. I turn to this now.

### 3.4 Supererogation and the vegan imperative

For starters, I should say that I think Colb is quite right that the decision to abort is inherently dualistic in just the sense that she describes: that is, the abortion of a sentient fetus really is a deliberate act of (expressly lethal) violence; just as it really is the withholding of life-saving aid. What I find far less clear, however (or, at any rate, less persuasive) is how exactly this feature of the situation can plausibly, or even non-arbitrarily, be said to support the further thought that the decision of a pregnant woman (whose pregnancy is unwanted) not to abort a sentient fetus is therefore well characterized as a form of supererogation. To be clear, I am not saying that I do not understand the rationale behind why she suggests this: on the contrary, that much, at least, is clear enough; namely, because she is at pains to argue (like Thomson and other classic feminist arguments about abortion) that the upshot of withholding access to abortion is tantamount to forcing a pregnant woman to be a Good Samaritan for her unborn child. The problem with this, as Colb and Dorf and countless others have already explained, is that, as a general matter, the law does not (and presumably should not) require us to be Good Samaritans, not even when our failure to act thusly would result in the foreseeable death of one or more persons. Hence, on their view, to support a pro-life prohibition on access to abortion, even one limited to late-term post-sentience abortions only, would be to assert an illegitimate and untenable double standard whereby a particular segment of the population (namely, pregnant women) are singled

out as bearing a certain (quite onerous) moral obligation that no else is expected to satisfy. Against this, Colb and Dorf assert,

Prior to fetal viability, abortion is always necessary for vindicating a woman's interest in ridding herself of an unwanted pregnancy. When an individual woman concludes that, despite the infringement, she nonetheless will carry her baby to term, she does so because she places less value on her own bodily integrity than she places on something else—her view of pregnancy as nonparasitic, her view of Good Samaritan duties, her religious faith, and so on. (p. 67)

Thus, as they see it, a pregnant woman is morally justified in aborting her own sentient fetus when and where this is the only means of restoring her bodily integrity because (a) the decision to carry a child to term (when one does not wish to remain pregnant) is a form of Good Samaritanism; (b) Good Samaritan duties fall within the category of the supererogatory; and therefore (c), because such 'duties' are themselves optional by definition, it is likewise up to us, as individuals, to make up our own minds as to how strong, or how weak, these actually are in a given case.

One cannot help but wonder, however, with regards to the dualistic nature of abortion, what precisely grounds their decision to emphasize the moral priority of one of the two unavoidable aspects of this over the other? Consider: if the decision to abort a sentient fetus truly is a decision to carry out affirmative violence and is a decision to not supply life-saving aid, is it not theoretically arbitrary to gloss the decision not to abort primarily in terms of the latter; namely, as a decision of morally optional beneficence? Why can (should?) this not instead be glossed as a decision to refrain from causing affirmative violence? To their credit, Colb and Dorf seem to concede that this is

certainly a respectable, and principled, line that one could take. Indeed, one could even go so far as to say that one of their foremost contributions to the abortion debate is to have further explicated the considerable hardness of the question for many (indeed, for vegans and non-vegans alike), particularly by highlighting what appears, at least at first, to be a certain ineluctable arbitrariness, or, as Colb puts it in her earlier book, ‘selective focus,’ on the part of either side of this issue, concerning which of two *prima facie* compelling considerations one judges to be deserving of greater moral stock.

Of course, to say that something is two (or more) things at once—or better, that it satisfies two (or more) descriptions at once—is not to say, *eo ipso*, that the thing itself (act; event; phenomenon; etc.) is therefore always and everywhere exactly equally these two things. So perhaps the ‘arbitrariness’ complaint is misplaced. As Colb and Dorf see it, while it is true that abortion is intrinsically such as to merit, indeed require, the two descriptions at issue, there are nonetheless compelling reasons for our placing greater moral stock in one than the other. More to the point, on their view, there appear not to be any distinctively vegan reasons for privileging, as morally decisive, the description according to which post-sentience abortion is affirmative violence. I want now to suggest that they are wrong on this score. In fact there are distinctively vegan reasons for shifting our moral attention to the other aspect of abortion (and, by extension, of the abortion decision); namely, to the sense in which a decision not to abort a sentient fetus is, I would argue, firstly a decision not to cause harm and death (this being, of course,

something that we think of as paradigmatically not morally optional). To best see this, I would also propose a small shift in perspective.

Consider, then, the case of a pregnant ethical vegan who is considering having a post-sentience abortion. Let's call her Kira. What might her deliberations look like? More to the point, what role (if any) might her veganism play therein? For the sake of illustration, let us say that Kira is well-acquainted with Colb's and Dorf's book, as well as with Colb's earlier book (and especially her chapter on abortion). Naturally enough, she might begin by attending to the apparent disanalogy between veganism and abortion concerning supererogation; the latter, recall, is described as potentially allowing for this, while the former is described as merely meeting a moral baseline. Suppose that while she agrees completely that her veganism is not, by itself, a form of supererogation, she is sceptical of the notion that carrying a child to term is/could be a kind of 'Good Samaritanism.' Finally, suppose that, on the basis of roughly this same scepticism, Kira soon finds herself wondering under what circumstances veganism might itself be/become a form of Good Samaritanism for animals. Though she is not yet entirely sure just where she is going with this, she has a hunch that there may be something to it—specifically, something relevant to her own particular situation—and so she resolves to explore the question further.

## SIZING UP THE VEGAN IMPERATIVE: A MODAL APPROACH

To help bring Kira's question into sharper view, I would refer the reader, once again, to Colb's own closing remarks from her earlier chapter on abortion in *Mind if I Order the Cheeseburger*. As it happens, this passage contains a key that may prove especially helpful in thinking through the above scenario.

As consumers, then, we are different from the pregnant woman, who must choose between playing the physically demanding, painful, and risky role of Good Samaritan for her developing baby, on the one hand, and affirmatively bringing about that baby's death, on the other. That is why preventing a pregnant woman from committing violence against her fetus through abortion simultaneously and unavoidably compels her to endure pregnancy, labour, and delivery on the fetus's behalf. And it is why, while I support the right of every sentient animal to remain free of human exploitation and violence, I remain pro-choice on abortion, even in the gut-wrenching minority of cases that occur after the fetus is sentient. Being vegan does not require pain and risk or a compromise of bodily integrity, while being pregnant does. Whether or not to permit post-sentience abortions therefore poses a difficult question. Whether to demand slaughter for products we do not need to live and thrive does not. (Underlining added)<sup>144</sup>

It is worth lingering a moment on the final few lines of this passage. Whether she realizes it or not, I would suggest that one of the more important, if perhaps unwitting, things that Colb has done here is managed to provide a natural transition point, or springboard, for a close critical examination of one of the most foundational questions that one could possibly ask about veganism: namely, what, precisely, is the strength, and scope, of the vegan imperative? More specifically, to what extent (if at all) is the moral obligation to be vegan mortgaged to, or even just influenced by, real-world empirical contingencies concerning what this *actually* involves in practice? Is the

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<sup>144</sup> Colb, *Ibid.* pp. 82-83

vegan imperative, in other words, *counterfactually robust*—that is to say; does it have deontic scope over some as-yet unspecified but, let us imagine, relatively proximate range of neighbouring ‘possible worlds’—or is it rather more *localized*, having scope over *this* world, to be sure (i.e. the real world), although, perhaps, over this world *only*? Though I have no intention, in what follows, of constructing a full *theory* of the metaphysics of veganism—much less one that would, presumably, need to be pitched, at least to an extent, in the language of ‘possible worlds semantics’—I would instead like to offer some provisional remarks in support of the suggestion that; yes, the vegan imperative *is* counterfactually robust, at least in one particular sense.

Consider: Colb writes, “Being vegan does not require pain and risk or a compromise of bodily integrity, while being pregnant does.” Colb is quite right about this: being vegan does *not* in actuality require the (typically temporary) pain, risk, compromise of bodily integrity, etc. that being pregnant entails. As an empirical matter, there simply is no disputing this. There is, however, a *further* question to be raised here; in particular, one that Colb does not, at least on my reading, appear to anticipate: namely, how and why is this empirical difference *relevant* from the standpoint of ethical veganism? Obviously, the difference is relevant (indeed, *highly* relevant) from a *practical*/advocacy-oriented standpoint, since it (thankfully) makes it that much easier to convince people to take veganism seriously (and even to become vegan) than would otherwise be the case. And yet, the larger question, it seems to me, is whether (and, if

so, how much) the asymmetry between the two cases—being vegan and being pregnant—is *morally* relevant? One way—indeed, I think a quite helpful way—to at least begin to address this question would be to consider a very close ‘possible world;’ specifically, a world in which it actually was not possible to be at least as healthy on a vegan diet as a non-vegan one. Suppose, in particular, that being vegan in such a world meant that one was, on average, more apt to, say, catch a cold than non-vegans; or that one would unavoidably experience some slight (although still manageable) trouble sleeping; or perhaps that one would experience some very minor, although still appreciable, lethargy, or loss of energy, as compared to one’s non-vegan peers. To be sure, this is a counterfactual state of affairs; veganism in the real world does not necessitate any of this. This is also, as possible worlds go, a kind of next-door neighbour to the actual world, since the imaginary deviations from real-world veganism are, indeed, extremely minor. Now, with respect to the vegan imperative, the question we must now ask is of course whether it would remain morally non-optional in such a world to be vegan anyway; or would this become, at most, supererogatory? My own view—which I *strongly* suspect will cohere with the views of most, if not all, ethical vegans—is that veganism would remain morally necessary in this world all the same. Simply put, the physical hardship one would take on in becoming (and remaining) vegan in this world just does not compare to the immense suffering, and death, of the literally billions of non-human animals that the majority of humans (*ex hypothesi*) would continue to demand in this world, via their material (financial) support of that world’s analogue of the animal



industrial complex. In short, being vegan in this world, I submit, is still akin to meeting a moral baseline. So far, so good.

Next, imagine a possible world that is a bit more distant: in particular, where the previous world was a kind of next-door neighbour to the actual world, let us now try to imagine one that is, so to speak, a few spots farther down, perhaps even all the way at the end of the block. Suppose that the particular health burdens, risks, physical discomfort and hardship, potential complications, etc. of being vegan in this world—whether you are male or female—were basically comparable to that of pregnancy in the actual world: more precisely, comparable to all that is endured by women who elect to carry their pregnancy to term (i.e. up to and including labour and delivery). The idea, then, is to try to imagine that each of the physical issues that women encounter in the course of actual pregnancy (during the full 9-month cycle) will have (more or less) subjectively equivalent analogues for those who are vegan in this world—and, furthermore, that all of this would be distributed with roughly the same statistical variation of relative pain, discomfort, complications, etc. that obtains in the case of actual real-world pregnancies. The upshot of this is that some would not find the experience of being vegan in this world all that trying; while others would find it to be moderately trying; and yet others still would find it to be quite trying. Moreover, and also mirroring the case of real pregnancy, in some cases there would even be potentially fatal complications to remaining vegan, just as there exist cases of real pregnancy that,

if continued, would threaten the mother's life. Though this would make up only a small minority of the cases overall, the thought is that just as any halfway plausible anti-abortion advocate in the real world would, and *should*, make exceptions in such cases (and, to be sure, in other cases besides); so too exceptions would, and *should*, be made in the hypothetical scenario we are imagining here for those whose continued veganism would threaten their lives. Finally, the health/physical impact of being vegan in this world would ordinarily be limited to 9 months—after which remaining vegan would be physically no different/no more demanding than the experience of anyone who is vegan in the real world.

Once again, the general question we must now ask is: would veganism still be morally necessary in this world (other things being equal); or is this something that would become supererogatory (at most)? Would such a state of affairs render the vegan imperative null? Ought we to think that the decision to be vegan in such a world would reflect a kind of Good (or even heroic) Samaritanism for animals?—or are we, perhaps, merely contemplating a world in which the personal sacrifice of doing what one morally must, *vis-a-vis* animals, is higher (indeed, considerably higher) than it is in the actual world?

Before answering this question, let us consider one final world first—one that, to be sure, is even farther from the actual world than the last one. Imagine a world in which being vegan meant that one's life would be significantly shortened—perhaps even

by as much as 15 or 20 years—and, moreover, that this unavoidably involved a cumulatively more painful, and progressively degenerative, pathology as well. In essence, then, this is to imagine a world in which the decision to become and remain vegan is tantamount to voluntarily consenting to becoming afflicted with an incurable terminal disease. Our question, as before, is the same: how does the vegan imperative hold up in reference to this world? Simply put; it does not. The scenario we are imagining here, in effect, is one in which veganism is positively, substantially, and irrevocably hazardous to human health. Put otherwise, this is a world in which, alas, human beings *need* to consume animal flesh, secretions, and products derived from these *not merely* in order to flourish, but, more to the point, in order to not *perish*. And yet, in this world too, just as with the previous two, non-human animals—*qua* sentient, conscious, feeling, experiential subjects—remain (by ethical vegan lights, anyway) *bearers of fundamental rights*: in particular, of the fundamental right against being enslaved, exploited, and ultimately killed by us. Does this not, then, preclude our consumption and general use of them as *resources*, even granting what is at stake if we don't? To see why it does not, consider the following especially relevant, and highly instructive, passage from Will Kymlicka and Sue Donaldson.

...[T]his term [inviolability] does not mean that basic rights are absolute and exceptionless. This is not true in either the human or animal case, as in cases of self-defence. Human beings have an inviolable right to life, but killing another human being is permissible if it is done out of self-defence or necessity. So, too, with animals. There is also a historical dimension to the issue of inviolability. At different stages of human history, or in particular contexts, humans have had to harm and/or kill animals in order to survive. In that sense, too, basic inviolable rights are not absolute or unconditional.

This raises a more general point about the nature of justice: namely, that it only applies in certain circumstances—what Rawls (following Hume) calls the ‘circumstances of justice.’ Ought implies can: humans only owe justice to each other when they are in fact able to respect each other’s rights without jeopardizing their own existence. Rawls calls this the requirement of ‘moderate scarcity:’ justice is *necessary* because there isn’t an unlimited pool of resources such that everyone can have everything that they want; but for justice to be *possible*, the competition for resources must be moderate rather than severe, in the sense that I can afford to recognize your legitimate claims without undermining my own existence.

We can contrast this with what are sometimes called ‘lifeboat cases,’ when there is too little food or shelter for all to survive. In these lifeboat conditions, the most extreme actions may need to be contemplated. In order to avoid everyone on the boat dying, one person may be sacrificed, or sacrifice themselves, and various proposals have been made about how to decide who should live and who should die. But the existence of such extreme lifeboat cases tells us nothing about the basic rights we owe each other in the normal case where the circumstances of justice *do* apply. In moderate scarcity, rather than lifeboat cases, murdering other humans for food or shelter is wrong.<sup>145</sup>

The potential application of these remarks to the case before us is clear enough: the circumstances of justice, one could argue, simply do not apply in a world like this; indeed, to a vegan, the world itself is essentially just one big survival situation (morally speaking). In such a world, we would arguably have no choice but to kill and eat animals in order to survive (that is to say, we have no *other* choice that would *not* undermine one’s own existence). Finally, should one elect to be vegan in such a world anyway, with clear-eyed awareness and acceptance of all that this entails, one surely *would* be appropriately characterized as acting as a Good Samaritan for animals, to say the least.

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<sup>145</sup> Kymlicka and Donaldson, in *Zoopolis: a Political Theory of Animal Rights* (Oxford University Press: 2011), pp. 40-41

To return to the matter at hand, the question of the moment is, of course, how the *second* world should be characterized in reference to the first and the third. I suggested earlier that the first world can be thought of as a kind of ‘next-door neighbour’ to the actual world; while the third, on the other hand—and assuming, perhaps a little controversially, that this world is even in the same *neighbourhood* as the actual world—is presumably clear across town. With this in mind, there is, I think, a strong tendency here to suppose that the second world must therefore be said to lie ‘somewhere in between.’ More precisely, where the first world (like the actual world) is clearly a world in which the vegan imperative holds, and where the third world is clearly one in which it does not (and in which veganism would become supererogatory *at best*), the impression that I suspect many readers (and perhaps most vegans) are likely to have at this point is that, though technically still ‘in between,’ the second world ought *not* to be thought of as strictly equidistant to each of the others; rather, it should be viewed as closer to the third than to the first. In view of which, being vegan in such a world is likewise morally optional.

I think that this is not right. Specifically, I think that the second world is actually much closer to the *first* (or, as I put it above, the second world strikes me as not just ‘in the same neighbourhood’ as the first; it is on the same block). To be clear, though I no more think that (any)one should be *forced* to be, or to remain, vegan in the second world than I do in the first (or, indeed, in the actual world—just as I do not believe that

anyone should be forced to remain pregnant<sup>146</sup>), I *do* think that the vegan imperative continues to hold sway in this world. That is to say, notwithstanding the significant physical hardship, potential risks, and so forth of being vegan in such a world, this remains, nonetheless, a moral obligation. Put otherwise, to contemplate the second world [from the standpoint of confirmed ethical veganism, that is] is not to contemplate a kind of ‘lifeboat case’ writ large; rather, it is to contemplate a world in which doing the right thing requires doing the hard thing. The circumstances of justice in our relations with non-human animals still exist in this world; after all, being vegan therein is plainly *not* to visit upon oneself a radically life-shortening, ever worsening, and omnipresently painful condition, with neither end nor respite in sight save for death. Granted, it surely *is* to accept a certain measure of discomfort and inconvenience, though again, *ex hypothesi*, this is only temporary.<sup>147</sup> Finally, whether or not being vegan in this world amounts, in the end, to something that is properly characterized as ‘Hard,’ it is plainly

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<sup>146</sup> I expand on the importance of this in the closing section of this chapter.

<sup>147</sup> One could argue that the point is in fact even more compelling in the relatively circumscribed range of cases of real-world pregnancy that we are focusing on. Recall that we are only concerned with the prospect of late-term/post-sentient elective abortion; which of course means that the women who are contemplating this are doing so from a position of having *already* endured a substantial portion of the physical ordeal—indeed, nearly two trimesters worth. Since this experience can hardly be erased, a closer analogy would actually be to consider the perspective of an individual in imaginary world 2 who, having previously elected to become vegan and consequently having already endured a considerable portion of the accompanying physical hardship, has begun, at around the 22 weeks mark, to have second thoughts about continuing through to the end. According to the view I am presently espousing, although this individual should absolutely not be *made* to remain vegan against their will, it would be morally wrong of them to abandon it all the same. I expand on the parallel importance of this in the case of abortion in the next section.

harder than doing so in either the first, or the actual, world. As such, though I do not think that vegans in this world are acting in a supererogatory manner *a la* Deborah 2 simply by becoming vegan, this is *not* to say that I do not believe that such individuals are/would be deserving of praise. On the contrary; those who become vegan in this world *surely are* deserving of praise (to be sure, much more so than those who become vegan in *this* world, where doing so is *easy*). The point, however, is that the *nature* and *kind* of esteem that is appropriate in this case—or better, the explanation for why it is merited—is different: simply put, this is not a case of one’s going ‘above and beyond the call of duty;’ rather, it is a case where *that which is involved in doing one’s duty* is intrinsically hard.

To be frank, I do not know if I am right about this; but, then, neither do I know what it would *be* (or what it would *feel* like) to *Know* that I was (for that matter, I’m not sure that *anyone* does). What I *do* know is that, for better or worse, this is where my own best attempts to understand the logic of veganism, in connection with abortion, have led me; and thus, it is here that I must stand, at least for now. Returning to Colb’s account, my claim is this: if (a) one thinks, as I do, that the contingent empirical differences (*vis-à-vis* physical health) between being vegan on the one hand, and being/remaining pregnant on the other, do *not*, properly understood, amount to a difference that makes a decisive *moral* difference (save for how we understand the level, and kind, of praise that may be in order in either case); *and* (b) one also believes, as I

do (and as Colb does), that *all* sentient beings have an intrinsic moral status such that (other things being equal) they ought not be subjected to pain or distress and/or be killed: then (c) one cannot consistently resist the claim that post-sentience elective abortion is morally unjustifiable by citing the fact—and it surely *is* a fact—that the only alternative is thus for the woman to endure the significant physical hardship and discomfort of carrying an unwanted pregnancy to term. Put otherwise, I do not believe that Colb and Dorf are correct in their suggestion that the case of a pregnant woman who does not wish to be pregnant but who nonetheless elects not to abort her sentient fetus has thereby acted like a ‘Good Samaritan,’ at least not in a sense that is at all illustrative of how vegans should think about this issue, given their other ethical commitments.

### 3.5 The ‘gift’ of life support? Moral responsibility in rescue cases

In the previous section I argued that there are good vegan grounds for denying that the decision to carry one’s sentient fetus to term exemplifies a form of supererogatory beneficence. On the contrary, in cases in which there is no manifest physical necessity for a late-term abortion, and all else being equal, pregnant woman morally ought not to abort. Granted, the particular thought experiment discussed above is decidedly fantastical. One could argue, however, that this is actually one of its virtues. It is often the case—whether in morality, or philosophy in general—that considering



various counterfactual, or otherwise abstract, scenarios can yield new insights, indeed clarity, where more direct approaches can come up short. The scenario we have just considered, I submit, is salutary of precisely that: the payoff here is that we are afforded a vivid (albeit ‘far out’) means of seeing how and why Kira (and those vegans like her) can *and should* reject the putative propriety of the concept ‘Good Samaritanism’ in the context of post-sentience abortion. By vegan lights, this is simply not the right way to think about the issue. This scenario, however, is not the only way to see this. In this section I shall endeavour to deepen and extend this argument, at least partly by taking an evaluative step back from the assumed perspective of a hypothetical vegan (‘Kira’) deliberating about the morality of late-term abortion in her own case. While this perspective is surely one that contributes a great deal to our investigation, it plainly does not exhaust it. Hardly; for we must also consider how ethical vegans should think

about the morality of late-term post-sentience abortion *generally*; meaning, how we should regard this in the case of others.<sup>148</sup>

On that note, one other thing that vegans should, I think, seriously question in Colb's and Dorf's account is their occasional description of the decision not to abort as a form of 'gift-giving' (i.e. from the woman to her unborn fetus). Consider the following passage, from p. 66.

If the woman is in the position of giving assistance, of affirmatively sacrificing to provide life support to the fetus growing within her, then it follows that this gift from the woman to her fetus should not be forcibly extracted from her by a third party—whether a rapist or the state—however much we believe that the fetus is a fully entitled sentient being whose existence depends on the woman's profound gift.

Again, to reiterate, my concern here is not with the 'legal question' of abortion's availability, much less with the legitimacy of third-party interventions. Indeed, on this point Colb and Dorf and I are in agreement. Nor do I mean to fault them for simply failing to mark the distinction between the legal and moral contexts altogether; they do not, as is made fully explicit on p. 67, where they observe, quite rightly, that merely thinking that a woman should be 'free' (i.e. from third-party coercion) to decide for herself "[is] not to say which decision she should make." To be absolutely clear, then, the fundamental point that I take issue with in their argument concerns their conception as to what counts (and why) as a sufficient moral justification for post-sentience abortion. On their view, a woman can permissibly/justifiably abort her own sentient fetus, if she so chooses, when and where this is the only means of restoring her bodily

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<sup>148</sup> Two points: first, there is of course a very straightforward sense in which Kira's decision (and the deliberations by which she reached it) generalizes beyond the scope of her own personal decision not to abort; in particular, in such a way as to suggest that she would (and should) also take a similar stance concerning the ethics of someone else's decision. This follows from the fact that Kira, *ex hypothesi*, is contemplating the nature, strength and scope of the vegan *imperative* in relation to abortion. In other words, this is a decision about the deontic force of veganism *as such* (made, moreover, by someone who regards veganism as morally non-optional): Kira, then, does not merely conclude that hers is but one way (perhaps among many) of understanding veganism in connection with abortion; rather, she concludes that this is the *right* way to understand it. Even so, it will be helpful to consider the question of how vegans should regard the morality of someone else's decision to undergo a late-term abortion more directly: the two thought experiments presented in this section are intended to aid us in doing just that.

Second; some might opine at this point that it is incumbent on me to differentiate between the following two questions, which (they might say) represent non-comparable cases that may very well admit of quite different moral duties, depending on which of the two relevant actors we are attending to. [These are], on the one hand, the question of what ethical vegans should think about cases of *other ethical vegans* who elect to undergo late-term abortions; and, on the other, the question of what ethical vegans should think about cases of non-vegans who elect the same. In essence, some might feel that what holds in the one case, doesn't necessarily carry over to the other. Though this is, I think, a natural enough reaction to have, it is also one that misses an absolutely crucial point. Ethical vegans do not regard veganism, whether their own or someone else's, as morally optional; *ergo* any judgment as to what we think is the morally appropriate decision for a pregnant vegan woman to make about late-term abortion applies equally in the otherwise exactly analogous case of a non-vegan pregnant woman, *via* the fact that we *antecedently* judge it to be the case that she (ditto everyone else) should be vegan. Granted, it is no doubt true that ethical vegans might expect (also naturally enough) the morally salient considerations to be that much more apparent to other vegans, but this should not be confused with our thinking that two equivalent decisions, or actions, might nonetheless be judged 'moral,' and 'immoral,' respectively, solely on the basis of one having been carried out by a vegan, and the other by a non-vegan. In short, if one believes that veganism is morally mandatory, and one believes that the obligation not to 'X' follows from the logic of veganism; then it follows that one also believes that *S* (suppose *S* is not vegan) should not X. To say otherwise, it seems to me, would be like saying that one doesn't have a moral obligation to avoid cheeseburgers and milkshakes *unless and until* one is vegan—when in fact it is *precisely* the recognition that one *has* such an obligation *in the first place* (and much else besides) that makes one vegan (and assuming, of course, one acts on this recognition).

The preceding is not to say, mind you, that there is simply no such thing as a distinctly vegan obligation—or, better, of an obligation that comes into play, when, and only when, one becomes vegan; perhaps there are. Perhaps, e.g., it is only ethical vegans who have an obligation to avoid using such expressions as “there's more than one way to skin a cat;” or “kill two birds with one stone” because it is only once one has actually *rejected* the fundamentally speciesist/animal-exploiting paradigm that underlies such animal-denigrating language that one can be said to have a duty to avoid entrenching it any further, even in such a small, and perhaps largely symbolic, way as our taking a stand against using such language in our own parlance. Granted; but even if this is so, the wrongness of unnecessarily aborting a sentient human fetus (and the obligation not to do so) is *much* closer in kind to the wrongness of unnecessarily killing a non-

integrity. Bracketing, then, the advent of widely available artificial womb technology, if a woman wishes to restore her own bodily integrity, and the only way to do this is by aborting the sentient being who lives inside her, then she is justified in doing so, because, given the existing state of the art in medical technology, this is a necessary measure (albeit, they hasten to emphasize, a regrettable one). My view, in sum, is that this is not a sufficiently strict conception of necessity—indeed, I think it is implausibly lax—particularly given the argument from no unnecessary suffering and death, which, as vegans, each of us affirms. Moreover, on the matter of restoring bodily integrity, it behoves us all, I think, vegan or otherwise, to bear in mind that the stakes here are not zero sum: that is to say, carrying one’s own sentient fetus to term (and subsequently giving him or her up for adoption) would also herald the restoration of a woman’s bodily integrity. But let us get back to the matter at hand.

Consider: generally speaking (if not by definition) one cannot really give something to someone as a ‘gift’ if the something one gives is already owed to the person to whom you’re giving it; indeed, this seems especially clear if the supposed ‘gift’ is something that you owe to the person in question. In such cases, then, far from giving someone a gift, you are instead giving them their due. Granted, Colb and Dorf and I can agree on this much; our disagreement concerns whether a pregnant woman (who no

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human for his or her flesh than it is to any *prima facie* obligation to remain vigilant about the colloquialisms one employs *downstream* of one’s decision to go vegan.

longer wishes to be pregnant) owes her unborn sentient fetus the continued use of her body for its survival. Now, though it is of course true that we sometimes speak poetically or metaphorically about the gift of life itself, life support, on the other hand, is not, at least not ordinarily, something we tend to think of as a gift from parent to child. This is not to say, however, that there are no cases of pregnancy in which the concept would be informative; surely there are: most obviously, perhaps, as in the case of a woman whose continued pregnancy would almost certainly result in her own death, who elects to carry her child to term anyway, and thus ultimately sacrifices her own life for her child's. And yet, moving beyond such cases of clear moral heroism, part of what I find problematic in the way Colb and Dorf purport to describe a pregnant woman's decision to not abort her own sentient fetus as a 'profound gift' (even when she is not facing mortal danger) concerns how little attention they give to the moral implications of how long the woman has in deciding whether to give (or withhold) it. Again, given the sharply circumscribed range of cases we are attending to as vegans (namely, only those cases in which the fetus is/has become sentient), this is surely a hugely relevant consideration in assessing the morality, or immorality, of the woman's actions. Let us consider this more closely.

To be sure, Colb and Dorf provide an admirably clear discussion of at least one respect in which the case of a pregnant woman deliberating about abortion surely does merit the term 'dilemma;' namely, the unparalleled, completely unique relation a woman

bears to her own fetus—a relation which is thus quite unlike the one(s) in which the rest of us stand to one another (vis-à-vis harm and rescue) precisely because it defies easy analysis in terms of the three morally distinct roles that are the hallmark of ordinary, common-sense morality. And yet, by vegan lights, it seems to me that there exists a crucial difference between this and most other ‘hard cases’ that we might typically describe as moral dilemmas; namely, unlike the majority of other dilemmas, this one does *not* present as a typical ‘moral emergency’-type scenario into which the agent is, as it were, *thrust*, or *thrown*, with little or no warning (e.g. Deborah, who has the unenviable bad luck of chancing upon the dying Abel, who will die unless she donates a kidney). On the contrary; again, given the importance that vegans place on the advent of fetal sentience, the pregnant woman’s ‘dilemma’ is in fact one that we—and, more to the point, *she*—can see coming a mile away; more precisely, this is a ‘dilemma’ that is approximately 20 weeks in the making. This is not to say, exactly, that the pregnant woman’s situation is therefore not *really* a *bona fide* ‘dilemma;’ rather, it is to point out that, at least by vegan lights, it is one that can (and thus, where possible, should) be entirely avoided. More to the point, and other things being equal, vegans should, I think, regard it as a serious moral failure for a pregnant woman to not make up her mind as to whether or not she will carry her child to term within the span of this not inconsiderable ‘window of opportunity’ (so to speak). It is not easy, however, to state precisely what *kind* of moral failure this is. Nonetheless, the following is an attempt to do just that.

A good place to begin is, once again, with the notion of gift-giving. I have already registered my scepticism that this is at best a somewhat ill-fitting notion in the present context. Again, gift-giving is not ordinarily conceived as a practice in which life and death hangs in the balance; but moreover, intuitively it seems decidedly *strained* to say that a woman who has previously elected to carry her fetus to term, only to *then* change her mind quite late in the game (in particular, once the fetus has become sentient), has simply changed her mind about *the giving of a gift*. But suppose that I am wrong about this. Suppose, in particular, that Colb and Dorf are correct that a woman who decides to go through with an unwanted pregnancy has thereby provided the gift of “rescue”<sup>149</sup> to her fetus. Even granting for the sake of argument that this does or should qualify as a gift, it is plainly a gift unlike any other. In particular, given the moral importance that, from the vegan perspective, attaches to the decision-making process of the pregnant woman *pre* fetal sentience (specifically, to the fact that one has a not inconsiderable period of time here during which an abortion could be performed without incurring the destruction of a sentient being with rights and interests), it may be that this is a ‘gift’ that, once ‘given,’ one cannot permissibly change one’s mind about. As before, an illustrative thought experiment will prove helpful.

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<sup>149</sup> This term is employed, in this context, throughout the book; although see esp. p. 51, and p. 72—RE: the latter, here they write “... [I]f one conceptualizes pregnancy as we do—as a form of intimate, demanding rescue provided by the woman to her fetus...”

Consider, first, a very familiar case in which electing not to ‘rescue’/save someone’s life would seem to be clearly morally permissible: Thomson’s famous ‘violinist’ thought experiment.<sup>150</sup> Very briefly, Thomson asks us to imagine a case in which “The Society of Music Lovers” kidnaps you and physically connects you to an ailing violinist *via* a medical machine that will enable the violinist to utilize your body as a kind of life-support/toxin filtration system. Upon waking up and learning what has happened (been done!) to you, you are further informed that the violinist will die unless you remain plugged into him for approximately nine months. Thomson argues that you are well within your rights (morally justified) in unplugging yourself from the violinist, notwithstanding the fact that this would foreseeably result in his death. Thomson presents this scenario (among others) as a means of illustrating her central claim that the right to life does not automatically entail the right to anything and everything that one might conceivably need in order to survive; in particular, it does not entail a right to be granted the use of, or to be allowed the continued use of, someone else’s body.

There is of course much that one could go on to say about this case; indeed, much that would not be strictly relevant for my purposes. The reason I reference this scenario is because it provides an informative point of contrast: specifically, the kind of liberty-violating, total usurpation of an individual’s personal autonomy that it describes (up to

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<sup>150</sup> Judith Jarvis Thomson, “A Defense of Abortion,” in *Philosophy & Public Affairs*, Vol. 1, no. 1 (Fall 1971)



and including one's prerogative to decide for oneself whether or not to intervene to 'give the gift' of life-saving rescue) should, I think, strike vegans as totally unlike the way we should understand the pregnant woman's dilemma. Notice, too, the aptness of Colb's analysis in evaluating this case: apart from the obviously objectionable actions involved in your kidnapping, one of the principal ways in which the Society of Music Lovers has wronged you here is by, in effect, conscripting you into a situation in which you must either play the role of heroically Good Samaritan, or else actively participate in the violinist's death. In other words, the option of being a mere bystander to the fate of the poor violinist—which, of course, remains available to everyone else—has been denied to you. Part of what is so troubling about this particular dilemma, then, is that it conforms to the usual archetype of cases that we ordinarily describe by this term: that is to say, the circumstances in which you find yourself are in no way of your own making; indeed, since you were *kidnapped*, nor is this a situation that we may say you have simply *stumbled into*, as in Deborah's case (or, say, as in the case in which you are strolling by a train station junction somewhere where 'the Trolley Problem' is about to go live). Hardly; this is, in the fullest sense of the word, a dilemma into which you have been *thrown*. The point, however, is that this is not at all analogous to, much less illustrative of, the proper vegan characterization of how one should deliberate about post-sentience abortion. To see this, consider the following variation on Thomson's scenario; a variation that I would argue comes much closer to capturing the way vegans should think about abortion.

Imagine a woman; let's call her Keiko. Suppose that Keiko is approached by the Society of Music Lovers and is informed that a certain world famous violinist (let's call him Julian) will, in approximately 15 weeks,<sup>151</sup> fall victim to a condition that, if untreated, will result in his death. Suppose further that, due to some particular biological or genetic characteristic that is absolutely unique to Keiko, she is the only person in the world who can come to his aid; that is to say, she is the only person who can save Julian's life. Keiko is made aware of all this. The catch is that in order to save (or "rescue") Julian, Keiko must consent to being continuously physically connected to him (via some medical machine or other) such that he can, in effect, utilize her body, parasitically, to ride out the duration of his condition; a condition that, strangely enough, will apparently completely run its course (once the connection is established) in approximately 15 – 20 weeks, at which time Keiko can then disconnect. Finally, suppose that Julian is not made aware of any of this (this is to ensure that the extra pressure of Keiko's knowing that Julian knows that she is the one and only person who can save his life is not added to the already considerably weighty decision she is now faced with).

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<sup>151</sup> Granted, we have already considered that the developmental threshold for fetal sentience is in fact closer to 20 weeks. The reason I have elected to use (approx.) 15 weeks instead of 20 for this thought experiment is to reflect the fact that many, perhaps most, women do not learn that they are pregnant until 4 – 7 weeks into their pregnancy.

On the related point, it is possible that, in rare cases, some pregnant women may not discover that they are pregnant until after the point at which their fetus has become sentient. Though such cases are, to be sure, extremely few and far between, they do exist. Such cases do not fall within the scope of my argument.

To be sure, the Society is asking quite a lot of Keiko; indeed, so much that few of us, if any of us, would fault her for electing not to go through with such a lengthy and physically demanding ordeal. Notice, however, that Keiko need not decide right away; after all, *ex hypothesi*, Julian's condition will not manifest for approximately 15 weeks. (Indeed, let us further suppose that the medical 'rescue' in question can only be rendered once the violinist's condition *has* manifested; meaning, the soonest Keiko could actually 'hook up' to Julian would be in approximately 15 weeks' time.) What should Keiko do? The short answer, I think, is that she should make up her mind *before* the moment arrives. Nor does this seem particularly controversial; on the contrary, this much, at least, is arguably something that the majority of us can agree on, whatever our more general views on abortion (or, for that matter, animal rights). Granted, this is surely a very difficult decision, to say the least, and it may well take Keiko many weeks of private reflection, deliberation, and discussion with others before she finally settles on a course of action. Alternatively, Keiko may even find herself vacillating back and forth in her deliberations any number of times during this period—between, on the one hand, deciding that she *will* go through with it, and, on the other, deciding that she will not. Now, since all such 'decisions' on Keiko's part to come to Julian's aid must remain, on this scenario, necessarily hypothetical until such time as she is in the position of actually *implementing* one (i.e. in approx. 15 weeks)—and notwithstanding how firm, and resolute, she may have felt at the time of reaching each decision in the interim, only to then change her mind—this is not morally problematic (if anything, this is but another

way of envisioning the *hardness* of Keiko's dilemma). Indeed, it may even be that she does not fully decide until the 'eleventh hour,' so to speak, at which point, let us imagine, she elects (permissibly) *not* to go through with the procedure. Let's call this version 'Keiko 1.' On the other hand, suppose instead that Keiko decides ultimately to go through with it, and thus, when the time comes, commences lending the life-saving aid, via continuous physical connection, that the now ailing violinist needs to survive. Let's call this version 'Keiko 2.' Finally, suppose the arrangement continues for a day or two, or perhaps even a week, at which time, however, Keiko 2 begins to regret her decision, and subsequently disconnects herself, with the foreseeable result that Julian dies.

What are we to make of this? Has Keiko 2 killed Julian, or has she merely let him die? Has she committed an affirmative act of (ultimately lethal) 'violence' against Julian, or has she merely opted not to participate in a form of intimate, and physically demanding 'rescue'? Perhaps all of the above? These are important questions to be sure, and yet a full account of the moral texture of this particular scenario must also attend to the fact that (a) Keiko had a significant period of time in which to reach her decision; (b) she *initially* chose to 'save' (or *rescue*) the violinist; but alas, (c), she *then* changed her mind *whilst* the (admittedly lengthy and demanding) 'rescue' was well underway. Keiko 2, in other words, did not merely opt not to enter into a situation in which she was uniquely positioned to render life-saving aid (this was Keiko 1); rather, she opted out after she had already opted *in*. This is, I think, a difference that makes a

moral difference. Where Keiko 1 has neither harmed nor wronged Julian; Keiko 2, I submit, has done both. Notice, too, how our evaluative impressions of the hypothetical actors in Colb's earlier thought experiments do not map neatly onto this case. Granted, Keiko 1 and Deborah 1 are more or less direct analogues of one another, at least morally speaking. But what of Keiko 2? Certainly Keiko 2 is morally distinct from Bathsheba; who, recall, was the morally culpable bystander who, rather than exerting the most minimal effort required to save the recently stabbed and dying Abel, simply walks on by. The effort required of Keiko 2 in this case was much closer to that of Deborah 2, the Good Samaritan kidney donor. In truth, what was needed of Keiko arguably far exceeds what was needed of Deborah 2. And yet, intuitively Keiko 2 is *not* morally on par with Deborah 1 either. Deborah 1, recall, is the non-culpable bystander who simply elects not to supererogate for Abel, and so declines the kidney donation. Deborah 1 is blameless; Keiko 2 is not. The key to understanding the kind of blame that Keiko 2's actions in this case merit, I would argue, lies in the fact that she knowingly assumed a role that was necessary for Julian's survival, and thus, for all intents and purposes, *consented* to a relation of asymmetric dependence with an inherently vulnerable being. To borrow, once more, from Colb's *dramatis personae*, in first electing to participate in the rescue of Julian, Keiko 2 has admirably chosen a path not dissimilar to that of Deborah 2; however, *having* chosen this path, once she then begins to resent the imposition of the arrangement, the compromise of her bodily integrity, and so forth, Keiko 2 arguably has an *obligation* (to Julian) to endure nonetheless. An obligation

that, we are here imagining, she has not met. Nor, it seems to me, is this an entirely ‘Refrain-like’ obligation (but, then, neither is it wholly *unlike* this). The key feature of this case appears to be that Keiko 2 did not merely ‘walk on by,’ so to speak (which, to reiterate, *would* have been morally faultless); rather, she stopped, but not only that, she then proceeded to *actively render life-saving aid* (and not merely in the ‘triage/emergency’ sense of doing the most one can and hoping for the best; since, *ex hypothesi*, Keiko *knows* in advance that her efforts absolutely *would* save Julian)... only to then walk away.

The upshot of the preceding scenario, I submit, is that Thomson may well be right that the right to life does not itself entail a corresponding obligation on the part of anyone else to save your life (not even if they are the only person who could do so); this, however, is not to say that once someone has (autonomously) *granted* you the use of their body *precisely in order to save your life* (imagine yourself in Julian’s position), they can permissibly *revoke* this. The relevance of this to how vegans should understand abortion is clear: just as the consequence of Keiko 2’s initially optional decision to ‘rescue’ Julian is the *non*-optional moral responsibility that, once made, this decision engenders;

so too with the case of a pregnant woman who opts not to abort her fetus before sentience.<sup>152</sup>

## LATE-TERM EXCEPTIONS FOR RAPE-INDUCED PREGNANCY?

For many ethical vegans, the argument I present in this section will likely prove the most controversial in the entire chapter, for it is here that I will consider the troubling question of whether, and if so why (or perhaps why *not*), ethical vegans should regard a woman's *non-medically necessary* decision to undergo a late-term, post-sentience abortion as morally justified in cases where the pregnancy was the result of rape. To be absolutely clear, here, as before, the question is *not* whether such women

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<sup>152</sup> Some readers may wonder why I have not constructed Keiko's case as follows: suppose that in the event that she decides *not* to plug in to Julian, he dies painlessly; on the other hand, suppose that in the event that she decides to plug in, *does so*, but then changes her mind and unplugs, he dies painfully (I am grateful to Hilary Bok for bringing this potential variation of the case to my attention). Since part of what is so morally troubling about post-sentience/late-term abortion is the fact that the fetus actually experiences the abortion procedure, this would seem, on the face of it anyway, only to make the analogy between the two cases that much more vivid.

In fact, the decision *not* to go this route in constructing the thought experiment is deliberate and philosophically important. The problem with this variation is that, from a vegan standpoint, pain and suffering is only part of the issue. Ultimately, it's the *capacity* to suffer and enjoy (i.e. sentience) that matters most, since this is at once the basis for having interests, as well as the grounding for the rights that we vegans think obtain *in virtue of* the relevant interests (paradigmatically, the right not to be killed). If pain and suffering was all there was to consider, then vegans should have no objection to painlessly killing animals for food or other purposes. Likewise, we should have no objection to post-sentience abortion if it were possible that some form of anaesthesia could be used that would render the fetus completely insensate prior to being aborted. Granted, in the event that a late-term abortion 'must,' or simply will, be performed, this would certainly be morally preferable to the alternative (i.e. to cases in which the fetus experiences the procedure); and by the same token it is surely preferable to kill an animal painlessly than painfully (assuming there is some clear and compelling *need* for such killing in the first place).... but this is not to say that the painless killing of animals and/or human fetuses is therefore morally acceptable to vegans *in general*.

‘have the right’ to decide this for themselves; they do. Nor is the question whether or not vegans (or anyone) should regard such a decision as morally *excusable* (i.e. in the event one judged it to be not morally justified); presumably we should. Our question, rather, is the much narrower one of whether the conclusion(s) drawn in the previous section should be relaxed, revised, or perhaps even suspended entirely in these particular circumstances. Though I confess that I am not especially ‘comfortable’ with this (in truth, far from it), my own view is that the previous analysis goes through here as well, albeit with one small, though significant, adjustment.

But first, a bit of background on this issue. Though it is a minority view, to be sure, there are some in the traditional ‘pro-life’ movement who reject the view that rape should be seen as a legitimate justifying basis for abortion. The argument for this is roughly as follows; consider: though there is no denying the fact that rape itself is an appalling, horrific, and wholly indefensible act (nor can there be any doubt whatsoever that rapists themselves should *absolutely* be apprehended and punished accordingly; or that those who have suffered this terrible violation should be afforded any and all means of support available—e.g. trauma counselling—consistent with their own needs and wishes), any potential child that might result from such a violation can in no way be deemed an accomplice, much less a participant, in the violation, and is in fact completely innocent. Therefore, any child that is conceived through rape should be viewed as every bit as entitled to his or her own life as children who are conceived through consensual



sex. Abortion, absent medical necessity, is the unjustified killing of innocent human beings; this is no less true in the case of rape-induced pregnancies.

On the face of it, at least, this is a compelling argument; notwithstanding the fact that its conclusion is hardly something that anyone should *welcome* (but nor, it seems to me, are there many who are apt to); at most, then, it is something that one might *accept*. So, how does all of this relate to veganism; and, in particular, to the findings of the previous section?

For reasons that should, I hope, by now be abundantly clear, this is in fact an issue that, for the most part, vegans can comfortably sidestep; the reason being that vegans need not regard abortion as morally worrisome prior to the advent of fetal sentience. Hence, vegans face no special difficulty in allowing that abortion is morally permissible in the case of pregnancies due to rape (just as all others are), if performed during the approximately 20 week pre-fetal sentience period. The harder question, as I suspect is only too apparent, concerns cases like the following: imagine a woman who becomes pregnant due to rape, who initially decides to carry the child to term (perhaps, e.g., because she believes, rightly, that the child that her fetus would become is an innocent, inherently vulnerable, and, indeed, *inherently valuable* being who, moreover, is in no way ‘tainted’ by the horrific nature of his or her conception)... but who then changes her mind, and wishes to have an abortion, *after* the fetus has become sentient.

To be clear, abortion should of course be a legally available option to the woman; but is this to say that it is also a moral decision? Not obviously. As I mentioned earlier, we might (and presumably should) grant that her decision to abort here is excusable, but this is not to say that she is therefore morally justified in doing so. Moral justification is a richer, more demanding notion; one that, at least in the present context, requires that careful attention be paid to precisely those same considerations explored in the previous section: in particular, to the moral responsibility that, *ex hypothesi*, the woman has taken on by carrying her fetus beyond the developmental threshold that marks (its) transition to sentience.

Consider, then, (the interests and rights of) the innocent, sentient unborn child him or herself in this scenario: here is a being who, in effect, is being killed because its mother (excusably, if perhaps not justifiably) does not want the reminder of the initial violation (to her person, her autonomy, and her bodily integrity) that its very existence would constitute for her. (Granted, this change of heart represents a complete reversal of her *initial* reasoning in electing to carry the child to term; but since this is simply a hypothetical case that we are considering for the purpose of illustration, this is a stipulation that we are of course free to make.) Whatever we ultimately think about this, it is certainly morally problematic, to say the least. After all, as Colb and Dorf

rightly observe,<sup>153</sup> no one thinks it morally acceptable to kill an *already born* child that was the result of rape... whether a five-year old, a two-year old, or a newborn... *regardless* of how psychologically traumatic that child's existence might be for its mother (and granting that she certainly is not obliged to actually raise the child). If, as we vegans generally believe, sentience is the all-important criterion for moral standing; and if (as is inarguably-objectively true) a sentient fetus that is the result of rape is itself every bit as innocent, vulnerable, and totally dependent on its mother for life as any consensually conceived sentient fetus, one might think that we should equally regard post-sentience/late-term abortion even in the case of pregnancies due to rape as at least *prima facie* morally illegitimate. To help make this point as vivid as possible, one final thought experiment is in order.

Let us consider, again, the case of Julian, the world famous, and soon-to-be-dying violinist. Unlike the previous scenario, however—wherein, recall, there was one, and only one, individual in the entire world who could potentially save Julian—this time, let us imagine, there is no one, at least not at first. More precisely, imagine that, unlike the case of Keiko, this is a world that contains no already naturally-suited biological surrogate for Julian. The details of *why* this is the case are not important; what *is* important, however, is that somehow or other the Society of Music Lovers has discovered

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<sup>153</sup> Colb & Dorf, Ibid. p. 65

a way to ‘modify’ a person—anyone, in fact—such that they could then *become* a viable host for Julian. Now suppose that, having been unsuccessful in their efforts to solicit volunteers, the Society resorts to extreme measures, and kidnaps someone (let’s call her Sophie), and proceeds to subject her to the painful, invasive, experimental biomedical procedure that, in the end, brings about the necessary modification that would allow her to function as life-saving surrogate to Julian. Next, suppose that upon the conclusion of this horrifying ordeal, Sophie manages to escape and alerts the authorities, who then put an end to the Society of Music Lovers once and for all (even, let us imagine, to the point of completely and irrevocably destroying the experimental medical equipment that was used, along with all data pertaining to it, in order that no one else should be made to suffer the same fate as Sophie). Sophie is, of course, immediately provided with the highest standard of medical care available, and is informed by the relevant experts that, from a strictly medical perspective, the actual internal changes wrought by this terrifying and invasive procedure, though permanent, are nevertheless not such as to herald any lasting physical pain or health complications. The psychological trauma, of course, is entirely another matter.

As with the previous case, let us again suppose that Julian’s condition will not manifest for approximately 15 weeks, and that, once (and if) the connection was established, it would completely subside after approximately 15 – 20 weeks. Suppose that Sophie is made aware of all this; that is to say, suppose that Sophie knows that,

because of what was done to her (and because the relevant medical technology was destroyed), she is now the one and only person in the world who could potentially save the violinist's life. Finally, suppose that Julian is completely ignorant of this entire situation; he neither participated in, nor had any knowledge of, what the Society was planning, or of what they ultimately did to Sophie; nor (let us say) *will* he be made aware of any of this—although, we may stipulate that, if he *were* to discover what the Society did, he would be outraged (repulsed, disgusted, achingly sad at what was done to Sophie; and no doubt much else besides). Sophie knows all of this too.

As with the previous scenario, the space of options here is just the same; Sophie, like Keiko, must decide whether or not she will come to Julian's aid. Also as before, Sophie has approximately 15 weeks to decide. It bears repeating, I think, that the point of these scenarios is emphatically *not* to determine how the two actors—Keiko and Sophie—*should* decide in their respective circumstances. Neither Keiko nor Sophie bear any special moral responsibility to Julian merely and simply in virtue of their being the one and only person in a position to save him. On this point, at least, Thomson, Colb and Dorf, and I are all in agreement. The point, rather, is to hopefully throw some light on the sense in which, though no special moral responsibility obtains at first, this *is* something that both women have the option to *assume* (or decline) if they so choose. But moreover, once assumed, this is not something that either woman, it seems to me, can defensibly abandon; although, as I said before, there would seem to be strong

mitigating considerations in Sophie's case—although not, mind you, considerations that mitigate, or weaken, her moral obligation *to Julian* once (and if) she has made, and acted on, her decision to rescue him; rather, considerations that would mitigate, or at least qualify, the disapprobation that would otherwise be appropriate in the event that she were to unplug herself, after having chosen to come to his aid, and hence once the 'rescue' was already underway. The reason for this is obvious enough: unlike Keiko, Sophie has undergone a horrifying, psychologically traumatic experience; an experience, moreover, that would render the possibility of her decision to come to Julian's aid not merely that much more noble, self-sacrificing, and frankly incredible than Keiko's, but also, surely, that much harder to make in the first place. Hence, there is arguably much greater potential in Sophie's case for excusable regret on her part (i.e. post-decision-to-rescue), and thus a stronger case, on the part of everyone else, for evaluative lenience (indeed, compassion) in the event that she decided to rescind her offer of rescue.

Suppose, first, that Sophie elects not to come to Julian's aid; not that anyone is asking her to in this scenario, but if they were, we might say, this would surely be asking too much. Call this version Sophie 1. Sophie 1, Keiko 1, and Deborah 1, then, are in more or less exactly comparable positions, morally speaking; each acts straightforwardly permissibly in declining to participate in their respective rescue scenarios. So far, so good. (Nor, I feel I should perhaps reiterate once again, is it any part of my intention with either thought experiment to suggest that a third party, such as the state, would

be justified in intervening to force either woman to save Julian; *nor to prevent them from unplugging once they have already chosen to do so.*)

Next—and here I shall anticipate, and at least begin to address, one possible objection—suppose that Sophie’s central reason for declining to come to Julian’s aid is because she believes that she would be better off, overall and in the long run, if Julian were to die. Indeed, his continued existence, she reasons, would only serve as a continual reminder of the terrible abuse she suffered at the hands of the Society. In sum, she feels that she would be better off in a world in which the violinist simply did not exist. Call this version Sophie 1.5.

Finally, consider the case of Sophie 2; i.e. the version who decides to save Julian’s life, who initiates the physical connection, but who then comes eventually to regret her decision, and so unplugs herself, thus resulting in Julian’s foreseeable death. In particular, suppose that Sophie 2’s reasoning in reaching her decision to unplug matches that of Sophie 1.5. Sophie 2, I submit, has both wronged and harmed Julian (albeit excusably); specifically, she has abandoned a moral obligation that *she herself created* in/by choosing to come to his aid in the first place, and, moreover, she has done so on highly questionable grounds. Having said that, I hasten to add that while the two cases are in many ways parallel, the circumstances that brought Sophie 2 to this point are importantly different enough from those of Keiko 2 that Sophie 2 should not, I think, be faulted for failing to live up to her moral responsibility in this case. To be clear, the

claim here is not that Sophie 2 has justifiably abdicated her moral responsibility to Julian, much less that the responsibility itself (indeed, obligation) was never *really* there in the first place, or was somehow annulled by the circumstances; the claim, rather, is that Sophie 2 should not be faulted for acting morally unjustifiably. This, then, is the difference the circumstances make for Sophie: though Keiko 2 and Sophie 2 both violate one and the same genuine moral obligation that really does obtain, for both, in their respective scenarios (*given* their equivalent, optionally made decisions to save Julian); only one of them is an appropriate target for agent-centred moral criticism.

But what, we must now ask, about Sophie 1.5? Her rationale for electing not to *offer* rescue was, after all, the very same as Sophie 2's in deciding to rescind it; which, I would argue, should strike us as a very dubious rationale indeed. Does it not, then, follow by parity that Sophie 1.5 has likewise wronged and/or harmed Julian, by not coming to his aid for such a morally questionable reason? No, it does not follow. To be clear, Sophie 1.5's *reasoning* (i.e. viewed unto itself) in reaching her decision is just as problematic as Sophie 2's in reaching hers. The difference, however, is that these are *very different decisions*: more precisely, Sophie 1.5 was not in the position of requiring a sufficiently strong reason to *justify* not meeting her moral obligation to Julian because, having elected not to come to his aid in the first place, *no such obligation exists*. By parity, a woman whose pregnancy is due to rape, who elects to abort her pre-sentient fetus for analogous reasons, has likewise neither wronged nor harmed her fetus, because



the organism in question, *qua* non-sentient, is simply not the sort of entity for *whom* she can be said to have *taken on* an obligation of rescue.<sup>154</sup> To reiterate, the key concept here—to wit; that which unites abortion with the (thankfully imaginary) cases of Keiko and Sophie—is in fact not ‘obligation to rescue’ at all; but, rather, ‘obligation to continue rescuing.’ Simply put, there *is* no ‘obligation to rescue’ here; the decision to do so is optional in all of the cases at issue (pregnancy included). The point is that, once one *has* decided to do so—whether by plugging into Julian; or by carrying one’s fetus beyond the developmental threshold of sentience—one has thereby *assumed* an obligation to persist with the arrangement, until one’s aid is no longer required.

### 3.6 Summary and review

In what small space I have left, I would like to offer some final parting clarificatory remarks about the findings of this chapter; although especially the second part of the chapter. First; ethical veganism, properly understood, simply does not furnish a wholly ‘for’ or ‘against’ response to the abortion question; a more accurate response, albeit a decidedly vague one at that, would be: ‘it’s complicated.’ Specifically,

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<sup>154</sup> Once again, I feel I should reiterate that the focus of this section of the chapter is with the question of whether there exist distinctly vegan reasons for opposing abortion. As we have already seen, there are indeed such reasons—and compelling ones at that—although only with respect to *sentient* fetuses. This is not to say, mind you, that vegans are thus somehow rationally barred from finding fault with pre-sentience abortion, or that doing so would be ‘inconsistent’ with their veganism. Hardly. Rather, it is only to say that whatever reasons this or that individual vegan might potentially have for opposing pre-sentience abortion will be quite independent of one’s veganism. See esp. pp. 184-189, above, for more on this important point.

since veganism takes a more nuanced, ‘sentience-indexed’ approach according to which abortion either is, or is not, to be viewed as raising comparable moral concerns to those which obtain in the case of animal consumption (depending on how developmentally far along the fetus is), veganism also allows for what is, in effect, a nearly five-month ‘window of opportunity,’ so to speak, during which abortion can occur without cause for moral concern (or, more precisely, without cause for any *distinctly vegan* moral concerns; after all, it is of course possible for vegans to morally object to pre-sentience abortion on other grounds—this, however, is beyond the scope of this chapter). Moreover, neither is ethical veganism absolutely, or categorically, morally opposed to post-sentience abortion in the sense that this is taken to be fundamentally (i.e. always and everywhere) *impermissible*, without exception. Hardly. Just as ethical veganism does not view the proscription against human violence to animals as categorically binding and exceptionless (i.e. *reductio ad lifeboat*), so too vegans can, and should, treat the presumption against post-sentience abortion as a *ceteris paribus* one only. That said, as I have just argued at length, there are compelling reasons for why vegans should treat this presumption as a good deal stronger, and thus more exclusionary, than Colb and Dorf, at least on my reading, appear to suggest. Simply put, absent strict medical necessity—that is to say, absent cases in which either (a) the mother’s life is threatened or her health is severely compromised; or (b) cases in which serious fetal abnormalities are discovered (paradigmatically, those which are inconsistent with life itself)—late-term abortion is immoral. The fact—and it surely *is* a fact—that late-term abortion is

sometimes the *only* means by which a woman can rid herself of an unwanted pregnancy, thus restoring her bodily integrity, does not suffice to justify destroying the life of a sentient fetus.

Finally, and perhaps most importantly, the argument I have advanced here about the wrongness of post-sentience elective abortion should *in no way* be taken as an argument to the effect that a pregnant woman who wishes to abort, but whose fetus is sentient, should be forcibly *prevented* from doing so. At the risk of belabouring a point which is, I fear, abundantly clear already, I shall reiterate it anyway, as the point is surely a critical one. As Singer has helped to remind us, there is a deep difference between, on the one hand, believing that, other things being equal, post-sentience abortion is morally wrong, and believing that a woman should be *legally obliged* to carry an unwanted pregnancy to term (with all the coercive interventions that this implies). Indeed, there *is* a difference here, just as there is a difference between thinking, on the one hand, that, *ceteris paribus*, human beings should not exploit non-human animals, and thinking that this is something that should be criminalized here and now. Granted, in the long run, ethical veganism surely is committed to the vision of a world in which human beings do not (and, just as importantly, do not *want* to) exploit animals; and, to be sure, the government of such a world (if you will indulge me, reader, in imagining such a thing) surely would enshrine, codify, and, where necessary, even ensure compliance with its core principles and fundamental values—to wit; those pertaining to

ethical consumption—via the application of its legitimate monopoly on the use of coercive force (just as, e.g., the wrongness of owning/exploiting/killing other human beings is reflected in our current legal system). The point, of course, is that this is hardly a world that can be, as it were, legislated into existence overnight. The only way to realize this vision in the long run, rather, is through patient, good-faith dialogue, discussion, and argument with people about veganism. In other words, this a world that can be achieved only by changing individual hearts and minds, one person at a time. It is very much with these same considerations in mind that I wish to emphasize that one can be likewise committed, as a matter of principle, to the presumptive moral wrongness of post-sentience abortion (or, for that matter, abortion generally) and yet also feel (rightly) that the only permissible means—and, regardless, the only lasting and effective means—by which anyone, anywhere could ever hope to bring about actual behavioural compliance with this belief (for lack of a better phrase) on the part of anyone else is by encouraging them, through argument and conversation, to adopt it themselves. Ultimately, then, as with virtually all other fundamental moral controversies in modern, free and open societies (the ethics of animal consumption very much included), so too with this one: whether it takes the form of scholarly inquiry, one-on-one conversation, or, indeed, non-violent education and advocacy efforts in the various fora of media and public debate, a willingness to engage in constructive, good-faith dialogue and discussion with others should always serve as our guiding, and binding, ideal. Quite simply, this is at once the best we *can* do and the most we *should* do.

# Chapter 4

## Ethical Veganism and Epistemic Advantage: ‘Peer’ Disagreement Reconsidered

This chapter will explore an alternative possible strategy by which (some) ethical vegans might wish to respond to the moral and epistemological issues surrounding their disagreement with omnivores, as discussed in Chapter 2. More specifically, whereas our earlier discussion was conducted very much from the standpoint of ‘peer disagreement,’ here I shall endeavour to develop, and defend, the contrary proposal that ethical vegans may in fact be said to have good reason to suspect an epistemic advantage in their own case (*vis-à-vis* their dissenters). If true, this would allow us to effectively sidestep the ‘steadfast vs. conciliationist’ *framing* of the vegan-omnivore debate which dominated Chapter 2 (a framing which, as we have seen, culminates in either of two potential versions of the neo-Pascalian argument for precautionary veganism, depending on which theoretical response to peer disagreement is favoured). In fact, if I am able to make good on this argument, we may find that there is a good deal more than mere strategic circumvention that follows.

But first, to better explain, and motivate, this approach, an important note of clarification is in order. Recall Elga’s suggestion that, with regards to the not

inconsiderable swath of our (more or less) firmly-held beliefs about controversial moral matters, we tend *not* to regard those who disagree with us as epistemic peers. Because of this, Elga argues, the intuitively unacceptable implication of the ‘equal weight view’—namely, that we ought rationally to give up said views and retreat (‘spinelessly,’ as some would say) to an attitude of agnosticism—doesn’t actually go through. Elga illustrates this point with the imaginary case of Ann and Beth, two friends who disagree about abortion (and perhaps much else besides). Recall, too, my central criticism of this case, the essence of which is really just to observe that it is simply not a particularly interesting (viz. ‘hard’) case, at least not as it stands. Much of my complaint on this score, however, concerned the fact that Elga seems content to more or less rest his case here with the mere *stipulation* that Ann and Beth do not regard one another as epistemic peers concerning abortion. Fair enough; but there is surely a good deal more one could say here.

Consider: for all we know, the two friends in Elga’s example might simply be wrong about their not being epistemic peers; or, more precisely, for all we’re told, this is a possibility we are free to build into the case, as a further stipulation, if only for argument’s sake. It would, then, have been a great deal more interesting, not to mention more philosophically productive, had Elga sought to elaborate this example more fully by, for instance, exploring the further, and arguably more pressing, question of whether one or the other might plausibly be said to actually *be*, in point of fact, epistemically

advantaged (at least on the subject of abortion) relative to the other. Indeed, from here one could then go on to consider the more general question of how we might go about ascertaining as much in other contexts of moral disagreement as well (up to and including those in which we all find ourselves from time to time). The relevance of such an inquiry for my purposes is perhaps only too obvious; and indeed, in what follows, I hope to at least make some strides in the direction of answering this question. The primary goal, however, is to do so in the context of the vegan-omnivore debate, which, like abortion, is equally a ‘controversial moral matter’ in regards to which the question of epistemic advantage might be posed.

My criticisms of Elga and the equal weight view notwithstanding, I hasten to add that he is, I believe, quite right about one thing: insofar as two or more dissenting interlocutors—e.g. Ann and Beth—do not (whether rightly or wrongly) *view* one another as epistemic peers, the equal weight view simply does not apply—at least not by *their* lights—whether or not it *should* apply by the lights of those who endorse the view (that is to say, bracketing the question of whether or not it is actually *true* that they are not epistemic peers, and, hence, whether one of the two is correct in denying this about the other, by inferring an advantage in their own case). In slogan, the equal weight view only applies if it is *seen* to apply (i.e. by the interlocutors themselves). The salient point, then, is that one can surely be wrong about the extent to which those who take opposing views do so on the basis of their being epistemically worse-off relative to oneself.

(Perhaps Ann and Beth *really are* epistemic peers about abortion, and are simply wrong to suppose otherwise?)

For the purposes of this chapter, however, it is the corollary of this possibility that I would like to consider more closely: specifically, the extent to which people can also be wrong in judging themselves not epistemically *better* off, regarding some issue or other, relative to a dissenting interlocutor. Put otherwise, just as one can, in point of fact, *be* someone's epistemic peer and yet (wrongly) believe otherwise, so too one can be, in point of fact, someone's epistemic *superior* and yet believe otherwise (e.g. you could believe yourself to be your interlocutor's peer—or worse, that he or she is *your* superior!—when in fact, unbeknownst to either of you, you are the advantaged party). To sum up the general point, it is surely possible (and no doubt quite common) that some of us, at least some of the time, are epistemically humble *to a fault*. The trick, then, is to avoid this sort of thing; or, failing that, to at least recognize it for what it is when it has already occurred, and take steps to remedy the situation. The difficulty, of course, is that it is not always readily apparent *how* to do this. And yet, speaking from both a practical and theoretical standpoint, this plainly matters a great deal; after all, if there are compelling, non-arbitrary grounds for believing oneself relevantly epistemically advantaged about some particular matter under dispute, then not only does the equal weight view not apply, but, by the same token, neither is there any need for an account such as Kelly's. Moreover, not only is the epistemically advantaged party



in such cases justified in ‘sticking to their guns’ (that much is clear), but so too the disadvantaged party should presumably defer to their epistemic better, and give up their own view in favour of their interlocutor’s (ideally speaking, anyway). Simply put, there is no special epistemological ‘problem’ of disagreement in cases such as these. On the contrary, the epistemic state of play here is straightforward, for it resembles that of certain illustrative examples of the sort we imagined earlier, in Chapter 2 (in particular, cases like that of the art historian and the aerospace engineer, discussing some issue or other pertaining to flight technology).

Granted, it was a major theme of Chapter 2—in some ways even a background premise—that, with respect to *moral* disagreement (at least), the operative assumption, at least at the outset, should in general be to grant epistemic peerhood to one’s interlocutor. Indeed, this was largely the point, and motivation, behind what I have dubbed the ‘Hobbesian Humility Principle’—the chief purpose of which was to sound a note of caution (and modesty) about the dangers of our too quickly, or too lightly, assuming an epistemic advantage in our own case where none may exist. With this in mind, Chapter 2 was very much written from the standpoint that ethical vegans and omnivores (who disagree about the vegan imperative) really are epistemic peers. For present purposes, we may view this, in retrospect, as a ‘for-the-sake-of-argument’

assumption; in particular, one that might, and perhaps should, be overturned.<sup>155</sup> Having said that, I would stress that epistemic peerhood in this context was hardly an *arbitrary* assumption at the time; nor, I hasten to add, is the practical significance of my Pascalian treatment of this assumption something that stands to be rendered, so to speak, null and void by the argument I shall attempt to set forth here; hardly: after all, there surely are a great many vegans and omnivores out there who *do* regard one another as epistemic peers<sup>156</sup> (whether or not they are right to do so). Hence, the discussion provided earlier will be of obvious interest, and relevance, to them. And yet, it is surely possible that some, perhaps many (or even most?) of these judgements of epistemic peerhood are actually erroneous, however magnanimous, charitable, humble, or well-intentioned they might be. This, it seems to me, is a possibility worth exploring.

The plan for the chapter is as follows. Section 1 presents a summary and critical appraisal of a highly relevant argument from Sarah McGrath; specifically, the argument she sets forth in her important paper, “Moral Disagreement and Moral Expertise.”

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<sup>155</sup> I confess, though I was not *wholly* convinced of this symmetry at the time of developing the material in Chapter 2, I did feel that, on balance, there was more to be said *for* the view that (broadly speaking) intellectually comparable vegans and omnivores are epistemic peers (*vis-à-vis* their debate) than against it. The purpose of this chapter, in essence, is to explore the possibility that I was mistaken.

<sup>156</sup> I would add that this potentially includes even those vegans who might familiarize themselves with the argument of this chapter. Though I do believe, and shall attempt to defend, the claim that, other things being equal, ethical vegans *are* relevantly epistemically advantaged relative to their omnivore interlocutors, I will not be presenting anything like a ‘knock-down’ argument, much less a ‘coercive proof,’ to this effect (indeed, such a thing is probably not possible). In view of this, it is of course possible that some vegans may still find the earlier ‘peer disagreement’ framing of the debate more plausible.

McGrath's work on these issues, indeed this paper especially, has become something of a flashpoint in the recent literature on moral knowledge and its relation to the epistemology of disagreement. Briefly, McGrath's argument here is intended to show that our controversial moral beliefs do *not* amount to knowledge. As we will see, McGrath's argument is novel, differing in a number of interesting and important ways from other sceptical arguments that proceed from disagreement. Of particular interest for my purposes, however, are her remarks concerning moral expertise; specifically, the difficulties that she suggests invariably plague any attempt to utilize this notion (without begging the question) as a kind of bulwark against the sceptical conclusion that our controversial moral beliefs do not amount to knowledge. In fact, as will become clearer as the chapter unfolds, my own concern here actually has less to do with the possibility of moral *knowledge*, and more to do with related questions involving the *justification* of controversial moral beliefs, to which McGrath's argument also pertains.

With McGrath's view on the table, I shall then proceed, in Section 2, to reinforce the challenge of a particular dilemma to which McGrath's account appears distinctly vulnerable. In short, here I will attempt to show why this dilemma, which comes from Russ Shafer-Landau, is not one that McGrath has managed successfully to evade; the upshot, I suggest, being that the space of options here (for her) really does appear to just be: one horn or the other. Next, in Section 3, I will consider some of the additional criticisms that have been raised against McGrath's view. While there is no shortage of

these, I will give special attention to those espoused by Nathan King, and Ben Sherman, respectively, for these strike me as the strongest on offer. Ultimately—and here I shall follow Sherman’s lead in his own discussion of a prior exchange between King and McGrath—my goal in this section of the chapter is to emphasize, deepen, and in some ways extend what I feel are the strongest points from the two. An important, and no doubt controversial, element of my strategy in this regard, however, will be to suggest, in Section 4, that much of what King and Sherman have to say, *pace* McGrath, regarding the proper epistemological characterization of (certain) moral controversies (both past and present) can be neatly, and quite productively, applied to contemporary debates about veganism as well. With this picture in place, I conclude by suggesting that contemporary ethical vegans can and should be viewed—and should view *themselves*—as occupying roughly the same moral and epistemological ground as that of late eighteenth century abolitionists about the human slave trade (e.g. William Wilberforce, *et al*). In other words, very firm ground indeed.

## 4.1 McGrath’s argument

McGrath begins her paper by rightly observing that, in general, arguments from disagreement in ethics have traditionally been put forth with the aim of establishing broad conclusions about the ‘objective’ nature of morality as such: for example, the conclusion that there are no moral facts (or moral properties); or that moral facts are relative as opposed to absolute. Such arguments, which she dubs ‘metaphysical

arguments,' are to be distinguished from epistemological arguments from disagreement, which have no such aspirations. It is a hallmark of the latter sort of argument, then, that they are neutral with respect to the further question of whether there *are* any moral facts (and, if so, the *nature* of said facts). Indeed, arguments of this sort are in fact perfectly compatible with the possibility that moral facts *do* exist. This is because the target question that motivates them is principally one of moral *knowledge*; specifically, the question of whether we possess as much (or any?) of this as we think we do. McGrath's own epistemological argument from disagreement purports to show that we do not, at least not with respect to 'controversial moral beliefs.' In short, McGrath concedes (for argument's sake) that moral facts do exist—indeed, she even grants that some of us are likely better than others at discovering/discerning what these are—*but*, she argues, we are nonetheless not in a position to claim that our controversial moral beliefs amount to knowledge—not even those of us who have correctly apprehended the moral fact(s) of the matter.

To help provide some context for her argument, McGrath cites a key passage from Sidgwick; one with which we are by now quite familiar. As this passage serves as a crucial ingredient in her argument, it deserves to be quoted (again) in its entirety.

[I]f I find any of my judgements, intuitive or inferential, in direct conflict with a judgement of some other mind, there must be error somewhere: and if I have no more reason to suspect error in the other mind than in my own, reflective

comparison between the two judgements necessarily reduces me temporarily to a state of neutrality.<sup>157</sup>

Immediately following this, McGrath emphasizes another remark from Sidgwick, taken from the same passage: “[I]t will be easily seen that the absence of such disagreement must remain an indispensable negative condition of the certainty of our beliefs.”<sup>158</sup> With these remarks in view, McGrath introduces a technical term that will play an important role in her argument going forward.

Let us call a belief **CONTROVERSIAL** just in case it satisfies the condition to which Sidgwick draws our attention. Thus your belief that *p* is **CONTROVERSIAL** if and only if it is denied by another person of whom it is true that: you have no more reason to think that he or she is in error than you are.<sup>159</sup>

McGrath clarifies that a belief can be controversial without necessarily being **CONTROVERSIAL**. This is the state of affairs one finds oneself in when one’s belief is disputed, but where one nonetheless has (good) reason to suspect that those who dispute it are more likely to be in error than oneself.<sup>160</sup> (Clearly, the question of what counts as a ‘good’ reason in this regard is of critical importance; more on this soon.) Drawing on Sidgwick’s point about certainty, McGrath next advances what she describes as a parallel

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<sup>157</sup> Henry Sidgwick, *The Methods of Ethics*, (Cambridge; Hackett; 1981), p. 342. Quoted and affirmed in McGrath, *Ibid*, p. 91

<sup>158</sup> Sidgwick, *Ibid*. McGrath, *Ibid*.

<sup>159</sup> McGrath, *Ibid*. p. 91.

<sup>160</sup> Paraphrase, McGrath, *Ibid*.

claim about knowledge: “If one’s belief that p is CONTROVERSIAL, then one does not know that p.”<sup>161</sup> Putting these various pieces together, McGrath states her argument as follows:

P1 Our controversial moral beliefs are CONTROVERSIAL.

P2 CONTROVERSIAL beliefs do not amount to knowledge.

C Therefore, our controversial moral beliefs do not amount to knowledge.

And by “controversial moral beliefs,” McGrath means,

[O]ur beliefs about the correct answers to the kinds of questions which tend to be hotly contested in the applied ethics literature as well as in the broader culture: questions about the circumstances (if any) in which it is morally permissible to administer the death penalty, or to have an abortion, or to eat meat, or about how much money we are morally obligated to donate to those in dire need, and so on.<sup>162</sup>

At this point, one is apt to wonder why the scope of such an argument should be restricted to controversial *moral* beliefs in particular. What, if anything, is to stop this argument from ranging over non-moral beliefs as well? To her credit, McGrath takes this ‘overgeneralization worry’ quite seriously, although it is, I think, very much open for discussion as to whether she succeeds in defusing it. Perhaps the most succinct statement of this objection comes from Russ Shafer-Landau, who puts the point as follows.

Either intractable disagreement among consistent intelligent parties forces them to suspend judgment about their contested views, or it doesn’t. If it does, then

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<sup>161</sup> McGrath, Ibid.

<sup>162</sup> McGrath, Ibid. pp. 92-93

we must suspend judgment about all of our philosophical views, as well as our belief that there is an external world, that I am an embodied being, that the earth is older than a second, etc. All of these have been challenged by brilliant, consistent, informed skeptics over the millennia.

Alternatively, if we are warranted in any of our beliefs, despite the presence of such skepticism, then justified belief is possible, even in the face of persistent disagreement. And so we could retain our moral beliefs, especially those we have carefully thought through, despite an inability to convince all of our intelligent opponents.<sup>163</sup>

Though I shall have more to say about this shortly, I will for now simply assert that McGrath's response to this dilemma is not, I think, terribly convincing. In brief, McGrath responds first by faulting Shafer-Landau for operating with what she suggests is an uncharitable interpretation of the sceptical challenge at hand. As he sees it, she observes, the crucial point is taken to be the *absence of unanimity* regarding support for the particular belief(s) in question; in other words, Shafer-Landau's claim is that the logic of epistemological arguments from disagreement is such that the mere fact that there exists (or has existed) *at least one* intelligent, consistent, and informed individual who contests the widely accepted beliefs at issue—e.g. that there is an external world—is sufficient to generate global scepticism. Since there is nothing in the passage from Sidgwick (which McGrath cites approvingly) that would seem to suggest otherwise—in particular, nothing to indicate that the numbers, or ratio, of total dissenters to supporters of a given belief should have any bearing whatsoever on its status as

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<sup>163</sup> Russ Shafer-Landau, 2004, pp. 108-109. Quoted in McGrath, *Ibid.*



(potentially) CONTROVERSIAL—this would seem to be an entirely fair reading of McGrath’s position thus far. Not so, says McGrath; in fact, the numbers *do* matter. In particular, we must keep in mind that beliefs like, e.g. *there exists an external world* do not face anything like the level of opposition that beliefs like, e.g. *physician assisted suicide is morally permissible* do. As McGrath puts it, “Even if it is true that brilliant skeptics have disputed the former, they are vastly outnumbered by reasonable people who disagree. By contrast, with respect to, say, the moral permissibility or impermissibility of the death penalty, the division of opinion is not that of lone geniuses vastly outnumbered by the opposition.”<sup>164</sup> Thus, as McGrath sees it, with respect to a belief like *there exists an external world*, one actually *does* have good reason to suspect that it is more likely that those who would contest this claim (even brilliant philosophers) are the ones who are in error; specifically, “... reasons provided by facts about the distribution of opinion among the relevant class of people.”<sup>165</sup> From this, McGrath suggests, we may conclude that beliefs like *there exists an external world*, or *the earth is older than one second*, despite being (at least somewhat) philosophically controversial, are not CONTROVERSIAL. By parity, then, the upshot with respect to morality would seem to be as follows: though we may *not* remain justifiably confident in our controversial

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<sup>164</sup> McGrath, Ibid.

<sup>165</sup> McGrath, Ibid.

moral beliefs, we can at least rest assured that our *uncontroversial* moral beliefs are epistemically secure, since those (few) who dispute them are vastly outnumbered by ‘reasonable people’ who do not.

The fact that there exists, in the broader culture, a substantial division of opinion regarding controversial moral matters, while no such division exists regarding controversial philosophical views, is plainly doing a great deal of work in McGrath’s reply to Shafer-Landau. This is, however, a relatively minor consideration in her overall argument. Indeed, the bulk of her paper is devoted to defending P1; the task at hand, as she puts it, being to explain “why one should think that one’s beliefs about disputed moral questions are **CONTROVERSIAL** in the first place.”<sup>166</sup> A good place to begin is with a point we mentioned earlier but have yet to properly examine: namely, McGrath’s claim that not all controversial beliefs are **CONTROVERSIAL**. To better illustrate this important point, McGrath gives the example of evolutionary theory. Specifically, she invites us to consider the claim that *human beings evolved from other species*. This claim is undeniably controversial; after all, there are many people who dispute it. But is it also **CONTROVERSIAL**? No. The key to understanding why this particular controversial belief need not be upgraded to **CONTROVERSIAL** status lies with the fact that here we have a case in which anyone who affirms the disputed belief can appeal

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<sup>166</sup> McGrath, *Ibid.* p. 96

to the fact that there exists a consensus, or near consensus, amongst the relevant community of *experts* (namely, biologists, natural historians, et al.) in support of its truth. McGrath thus presents the possibility of such an appeal as an example of a *good* reason for suspecting it more likely that those who disagree are the ones who are in error. Global warming provides another example: specifically, consider the claim that human beings are non-trivially causally implicated in global climate change. As with the previous example, to affirm this claim is plainly to adopt a controversial belief, for there are many who deny that human beings are responsible for global warming (indeed, there are even those who deny that any such phenomenon exists). And yet, this does not qualify as a CONTROVERSIAL belief either, for once again there is a consensus, or near consensus, amongst the relevant experts (i.e. climate scientists) as to its truth. Hence, if one believes that human activity is a non-trivial causal factor in global climate change, *and* one is also aware of the content of the scientific consensus on the matter, one also *knows* that human beings are causally implicated in climate change, despite one's awareness of the existence of a great many climate change deniers.<sup>167</sup>

The appeal to experts is obviously of considerable importance to McGrath's argument, and it is at this point that she observes, surely rightly, that it is natural to

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<sup>167</sup> Or, more modestly, one's judgment to the effect that this is something one *knows* is, in the very least, not *defeated* merely by one's awareness of the fact that there are those who disagree.

assume that an analogous move might be made in the domain of morality as well. That is to say; why should we not think that our controversial moral beliefs might be similarly inoculated against the sceptical conclusion that they are also CONTROVERSIAL by being shown to comport with the settled opinion of the relevant community of experts? The problem with this move, McGrath maintains, is that even supposing, for argument's sake, that 'moral experts' do exist (a supposition she is happy to grant)—indeed, even supposing that you yourself *are* such an 'expert'—it remains the case that we simply have no way of identifying who the experts are, and hence no way of appealing to their epistemic authority. In fact, since we cannot actually identify such individuals in the first place, it is misleading even to speak as though they possess some greater epistemic 'authority' in moral matters relative to anyone else. According to McGrath, they do not; despite the fact that such individuals are, *ex hypothesi*, better than most at determining what the moral facts are. The crux of the difficulty, she explains, is that morality, unlike various other contexts of inquiry and debate, is such that we have no *independent check* available for identifying who the experts are (and by "independent check" McGrath means, "one not itself subject to significant controversy, by which we can tell who is (and who is not) getting things right."<sup>168</sup>) We have just considered how this contrasts sharply with the case of controversial beliefs about evolution or global

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<sup>168</sup> McGrath, *Ibid.* p. 97

warming; but perhaps an even more vivid example—indeed, one that McGrath herself makes considerable use of—is weather forecasting. Consider: suppose that we are initially unsure which of two weather forecasters is more reliable. What might be done? Clearly, the means by which to resolve our uncertainty here is entirely straightforward, for we need only have the two individuals make a series of weather predictions, and then compare their respective track records. The one who got it right more often than the other is demonstrably ‘the expert’—or, more modestly, the one who enjoys a clear and verified (i.e. independently confirmed) epistemic advantage relative to his or her colleague. Alas, as McGrath is at pains to emphasize throughout her paper, no such method exists for identifying who is ‘getting it right’ in morality.

But significantly, we possess no similar independent check for moral expertise. If moral expertise stands to morality as weather forecasting expertise stands to weather, then a moral expert would be someone who consistently arrives at the correct answers to non-trivial moral questions (or at least, someone whose reliability with respect to such questions significantly exceeds that possessed by the average person, when the average person does not form his moral opinions by deferring to a moral expert). Given such a straightforward understanding of moral expertise, there is nothing particularly problematic about the idea that some individuals possess such expertise. The difficulty lies in arriving at compelling grounds for attributing such expertise, either to oneself or to others.<sup>169</sup>

To borrow a helpful phrase from Ben Sherman, the foremost practical implication of McGrath’s argument is that we appear to have no choice but to regard those who

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<sup>169</sup> McGrath, *Ibid.* p. 97

disagree with us about controversial moral matters as ‘moral peers’<sup>170</sup> (and *vice versa*), because the domain of inquiry at issue (morality as such) is such that we appear to have no non-arbitrary, non-question-begging means of showing that their moral judgment is epistemically worse than our own. Put otherwise, the prospects for resisting the sceptical conclusion that disagreement undermines our knowing the answers to such questions would appear to be fairly bleak. Granted, McGrath does acknowledge that there may sometimes be occasions of moral disagreement where we are able to observe that our interlocutor’s arguments and/or objections are in fact fallacious, in view of which, she notes, *those* isolated disputes, at least, do not force the sceptical conclusion. Quite simply, the fact (assuming it is a fact) that your interlocutor is reasoning fallaciously in disputing your view certainly qualifies as a *good* reason for judging yourself to be the epistemically advantaged party in that particular exchange. However, she also insists that there are at least as many cases of intractable disagreement about the very same issue with opponents who are dialectically skilled enough to avoid fallacious reasoning in their arguments and their rebuttals. Thus, the conclusion that our controversial moral beliefs are also CONTROVERSIAL stands. Or does it? Let us examine this conclusion more closely.

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<sup>170</sup> Ben Sherman, “Moral Disagreement and Epistemic Advantages: A Challenge to McGrath,” in *Journal of Ethics & Social Philosophy*, Vol. 8, No. 3, (June, 2017), p. 1

## 4.2 Problems with McGrath's response to Shafer-Landau

There are a number of things one could say at this point, for there are, I think, a number of things that should strike us as quite unsatisfying in McGrath's account. As I indicated earlier, however, my own interest in her argument is primarily a matter of its bearing on the following claim.

V: It is wrong to unnecessarily harm and/or kill non-human animals for our benefit, and/or to make use of them in ways that are either at odds with, or that frustrate, their own interests and inclinations.

It will come as no surprise when I say that V is something that I take to be true; indeed, the content of V is something that I take myself to *know*. Having said that, the question of *knowledge* in this context is of less concern to me than that of *justification*. In this, too, I follow Sherman, who observes, I think rightly, that it would seem to follow from McGrath's argument (assuming it goes through) that because we are unable to identify moral experts—likewise, because we are unable to locate ourselves within the space of moral expertise relative to anyone else—we shall also have to conclude that we have no means (i.e. no *independent check*) of determining which moral beliefs are more justified.<sup>171</sup> Since V is clearly a controversial moral belief, McGrath's argument straightforwardly entails that I must consider it to be **CONTROVERSIAL** as well. In

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<sup>171</sup> Sherman, *Ibid.* paraphrase. See esp. pp. 3-4

fact, for reasons which we will consider in some depth momentarily, her position would seem to imply that I should drastically reduce my confidence in V's truth, perhaps even to the point of giving it up entirely and abandoning veganism altogether. How might this unhappy conclusion be resisted? Perhaps by showing that I, and ethical vegans generally, have good reason to think it more likely that those who dispute V are the ones who are in error than we are? Can this be done? Let's see.

For starters, recall McGrath's reply to Shafer-Landau regarding the overgeneralization worry that arguments from disagreement 'prove too much;' that is to say, that they end up impugning not merely controversial moral beliefs in particular, but virtually all philosophical beliefs as well. The essence of her response here is to suggest that the former beliefs are **CONTROVERSIAL** because there is a sharp division of opinion as to their truth in the broader culture, while no such division exists concerning the latter. This suggests that if most people in the broader culture *agree* with some particular belief of mine, I can be relatively confident of its truth; the corollary, of course, being that if most people *disagree* with me (say, about V), I should regard the belief in question as highly suspect. Consider the following case McGrath presents for illustration.

If you and Alice have conflicting beliefs about what time the train is scheduled to depart, then it might be that both of your beliefs are **CONTROVERSIAL**. However, if you and Alice subsequently discover that ten other people have independently arrived at your belief while none shares hers, your belief is no longer rendered **CONTROVERSIAL** by the fact that Alice denies it. For now you do have reason to think that she is the one who has made the mistake. On



the other hand, her belief—supposing she maintains it—is CONTROVERSIAL:  
she lacks any parallel reason.<sup>172</sup>

On the face of it, one thing we might note right away about this particular example is that it does not obviously well support what would seem to be her implicit claim in this section of the paper: namely, that we are justified in holding fast to our *uncontroversial* moral beliefs (*even if* these fall short of commanding absolute *unanimity* in the broader culture) on account of their being shared by some unspecified majority of likeminded reasonable people. The problem is that many people—by no means all, but many—do not always form, or arrive at, their moral beliefs ‘independently’ of one another; on the contrary, as McGrath herself points out (see esp. pp. 101-102), it is often the case that moral belief-formation is a matter of “mutual influence, influence of common sources, and the like.” (p. 102) (Indeed, this point seems all the more salient in the case of our uncontroversial moral beliefs, since, arguably, these are the sorts of beliefs which we tend simply to have inherited, or absorbed, without much reflection, merely in virtue of our belonging to, and participating in, ‘the broader culture’ that

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<sup>172</sup> McGrath, *Ibid.* p. 95

makes up our particular society.)<sup>173</sup> In contrast, it is quite straightforward to make sense of how the ten other people in the example above might have arrived at their shared belief about the train's departure time in relative isolation to one another (that is to say, *independently*); in short, we need only to imagine that each consulted the schedule (or asked a ticket agent) on their own.

More seriously, however, we might observe that the sort of quasi-majoritarian view that McGrath seems to endorse—according to which broad-base agreement is itself sufficient to justify continued confidence in our moral beliefs, despite the existence of at least some dissenters—is perilously close to a phenomenon that might equally well be described as mere status quo bias. (I shall have much more to say about this phenomenon later on.) Why, exactly, in lieu of any possible appeal to experts, does McGrath think that an appeal to the majority in moral matters is *epistemically* any better? The 'wisdom of crowds,' perhaps? To which we must reply: has not 'the crowd,'

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<sup>173</sup> I do not mean to deny that it is of course possible to examine critically and subsequently (re)affirm these beliefs as well. Surely it is. Moreover, when, and *if*, this does occur, we might very well go on to characterize this as exhibiting a kind of 'independence.' I mean only to point out that, *qua* uncontroversial, widely shared, and thus, in a manner of speaking, socio-culturally *embedded* already, such beliefs do not seem a particularly good example of the sort that the various members of some community (or sample population therein) are apt to have "independently arrived at," at least not generally speaking. Indeed, we might further observe that, if anything, it is in fact *controversial* moral beliefs that are a better fit in this regard, although particularly those which are especially novel or marginal; the reason being that to affirm such beliefs will ordinarily involve an initial process of intellectual independence as one critically interrogates, and ultimately departs from, the dominant/established view. It is, I think, a fairly safe wager to say that this is likely the case for many ethical vegans who affirm V.

from time to time, gotten things morally wrong (even *badly* wrong)? Indeed, might we not further observe at this point that many of the moral norms and convictions that make up the moral status quo *here and now* (viz. our currently uncontroversial moral beliefs) did not *always* enjoy this status? On the contrary, some of them—perhaps many of them—would be well described as hard-fought, hard-won (sometimes even bitterly resisted) *achievements*; achievements that, taken together, allow us to characterize (albeit in hindsight) the general advance of history in the direction of (dare we say) *moral progress*. Take, for example, the belief that *human slavery is wrong*, a belief whose contemporary status is all-but axiomatic, but whose history involved considerable dissent and resistance. If McGrath’s argument goes through, then it would seem that we must also say that early abolitionists were not in a position to take themselves to *know* that human slavery is wrong, precisely because those who disagreed with them (i.e. slavery defenders/apologists) were in the moral majority (*at the time*) and were thus justified in suspecting the abolitionists to be the ones who were more likely to be in error than they. It would seem, then, that McGrath’s response to the overgeneralization worry has the unenviable, and decidedly ironic, feature of overgeneralizing as well: that is to say, her response does not stop with “lone geniuses” (e.g. brilliant philosophical sceptics); it extends to ‘lone wolf’ moral pioneers as well. Both are on epistemically shaky ground merely in virtue of going against the grain of majority opinion.

On the related point, we must also ask the following: granting, as McGrath appears to do, that a majority of, say, 55% or even 60% in favour of a particular controversial moral belief is not sufficient to render the belief non-CONTROVERSIAL (or, equivalently, granting that the issue that such a belief pertains to would still count as “sharply divisive” and “hotly contested” in the broader culture), what are the precise parameters by which we are to understand the epistemic significance McGrath clearly ascribes to the predicate ‘vast,’ as when, in her reply to Shafer-Landau, she describes the philosophical sceptic who contests certain claims as “... *vastly* outnumbered by the opposition” [my emphasis]? The difficulty here (for McGrath), it seems to me, can be put as follows: consider some moral proposition ‘*P*’ in connection with a population of, say, 100 people. One possible epistemic state of affairs regarding *P*, of course, is unanimous assent (i.e. everyone affirms *P*); another would be unanimous dissent (i.e. everyone affirms *not-P*). Obviously, disagreement is not a feature of either scenario, this being something that could only obtain (at various points, and in varying proportions) between either extreme. Suppose, however, that there *is* disagreement amongst this population concerning *P*. Notice how even here the spectrum (of disagreement) can be described in reference to two possible extremes: on the one hand, there is the state of affairs in which 99 people affirm, but one denies, *P* (call this scenario world 1); and on the other there is the case where 99 people deny, but one affirms, *P* (call this world 2). Finally, there is the case where half the population affirms *P*, and the other half affirms *not-P* (world 3). Clearly, the epistemic state of affairs regarding *P* in world 3 is closest

to that which obtains in connection with the sorts of real-world questions and debates that McGrath has in mind when she speaks of our ‘controversial moral beliefs.’<sup>174</sup>

According to her reply to Shafer-Landau, *P* is not CONTROVERSIAL in world 1, because the existence of a single lone wolf dissenter, no matter how clever and well-versed s/he is in the relevant arguments and considerations—indeed, even supposing the lone wolf dissenter is a “lone genius” to boot—is epistemically outweighed by the fact that the distribution of opinion heavily favours *P*. This is, we are told, itself a reason to suspect that one’s belief in *P* is likely to be right. And of course the same can be said for *not-P* in world 2. (And, should the intrepid ‘minority of one’ in either world maintain their view nonetheless, each individual’s belief surely would be CONTROVERSIAL, at

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<sup>174</sup> Here I would like to register a note of surprise and, frankly, confusion as to why McGrath saw fit to add possible answers to the question of when (if ever) it is morally permissible to eat meat to her list of examples of ‘controversial moral beliefs.’ Unlike the other examples she gives—e.g. abortion; the death penalty—the numbers/ratio here are *heavily* in favour of one particular answer. A recent (2012) Gallup poll, for instance, estimates that it is only about 5% of Americans who identify as vegetarian, while a mere 2% identify as vegan. One wonders, is not the substantial omnivorous majority epistemically secure, at least by McGrath’s lights, in its manifest belief that eating meat *is* morally permissible, despite the dissent exemplified by such a marginal minority? Gallup polls show that support for vs. opposition to the death penalty, by contrast, is much closer, with approximately 60% of Americans in support of it (although note that this is still well below its peak support, in 1994, of 80%. Indeed, one also cannot help but wonder at this point whether, on McGrath’s view, believing the death penalty to be morally permissible *in 1994* was CONTROVERSIAL...) To be sure, division of opinion over abortion is even closer: <http://news.gallup.com/poll/211901/abortion-attitudes-stable-no-consensus-legality.aspx> But perhaps what McGrath has in mind, in including meat-eating on her list, is the fact that this *is* something that tends to be debated in the applied ethics literature, arguably more actively and more frequently than in ‘the broader culture.’ This, however, is still a bit puzzling, since even if this is what she has in mind, much the same could be said of philosophical scepticism in the epistemological literature *contra* the broader culture.

least as McGrath sees it). In world 3, however, *P* and *not-P* are *both* CONTROVERSIAL beliefs. Is McGrath willing to allow that it is at least possible that such a state of affairs might be overcome; that is to say, that the epistemic impasse over *P* is not completely insurmountable? Might world 3, in other words, begin to slide in the direction of either world 1 or 2, over time? If so, then presumably at some point *P* or *not-P*, depending on which belief garners more support (and, to be sure, how *much*), must eventually revert to being just plain old ‘controversial.’ It seems that this is indeed something that McGrath must grant is possible; or rather, she must allow this on pain of having to say that the CONTROVERSIAL status of early abolitionist beliefs was in fact *not* overcome, which is equivalent to saying that the moral belief *human slavery is wrong* is, was, and remains CONTROVERSIAL. But if, however, the status CONTROVERSIAL, once it obtains, is not fixed and eternal, are we not owed an account of precisely when and why *P* or *not-P*, respectively, manages to *become* non-CONTROVERSIAL beliefs in world 3, the greater the incremental departure within its population from the 50/50 split (i.e. in the direction of either world 1, or world 2)?<sup>175</sup>

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<sup>175</sup> The corollary, of course, being that we are also owed an account of how an uncontroversial belief—say, *P* in world 1—manages to become CONTROVERSIAL as more and more people rally in support of *not-P*. Granted, this is presumably something that can ensue only via *P*’s first becoming controversial; but observing this much is really no help, since this is equally something that we should like an account to explain. McGrath clearly means to allow for worlds in which one’s belief that *P* (or *not-P*) is CONTROVERSIAL beyond those in which the division of opinion is an even split down the middle. It is, however, at best unclear how she can account for this in a systematic (or even just better-than hand-waving) way.

Won't any such account be, of necessity, fundamentally arbitrary? What principled basis could there be for insisting that, say, a 92% convergence on a particular opinion constitutes a sufficiently *vast* epistemic majority to inoculate the belief in question against the sceptical conclusion? Why not 93, or, indeed, 99%? For that matter, why not 51%, or 60%, or 70%? This is not, I think, an explanatory burden that McGrath (or anyone) can discharge.

Alternatively, of course, McGrath might simply give up what would seem, at this point, to be a quite untenable exemption for uncontroversial moral beliefs. More to the point, she could simply concede that the verdict of her argument really is as far-reaching and radical as its logic suggests; its conclusion, in sum, would be thus: setting aside the question of whether the domain in question (morality; philosophy; religion, etc.) is *factive*, so long as (a) it is not *demonstrably* so (meaning; so long as there is no universally recognized and accepted means—e.g. an ‘independent check’—for verifying, or proving, the truth of disputed claims), and so long as (b) there exists at least one individual who contests the truth of some belief therein, (c) we shall have to conclude that the belief in question is at least *prima facie* CONTROVERSIAL. Certainly this would better comport with her own approving references to Sidgwick, though it would also be to effectively impale her entire account on the first horn of Shafer-Landau's dilemma.

## 4.3 King and Sherman against McGrath

But perhaps, instead, the correct understanding of the situation is as follows: perhaps we might begin by saying that while it is true that certain moral beliefs which are *now* uncontroversial—e.g. *human slavery is wrong*—were *once* controversial, it is *not* true that they were also CONTROVERSIAL. This is the line that Nathan King takes in his critique of McGrath. In fact, King's objection presses quite a bit harder than this observation alone; indeed, King argues that P1 of McGrath's argument is false. His strategy is essentially to exploit McGrath's point that not all controversial beliefs are CONTROVERSIAL by suggesting that this is also true of controversial moral beliefs; or, rather, by suggesting that McGrath does not provide sufficient reason for supposing otherwise. King's argument is inductive, for it seeks only to establish the probability claim that it is *likely* that at least some contemporary controversial moral beliefs are not CONTROVERSIAL, since we (arguably) know the same to be true of past controversial moral beliefs. As King's argument is crucial for my purposes, I refer the reader to the following lengthy excerpt from his paper; a passage which contains a useful summary of his view in full.

In the past, some beliefs about moral issues have been controversial, but not CONTROVERSIAL. That is, with respect to some issues which were once controversial, parties on one side of the dispute had reason to think that their first-level reasons or their faculty of moral judgment rendered them more likely to be right than their dissenters. Consider the controversies over slavery in the West, Apartheid in South Africa, suffrage and civil rights in the United States, and Nazi morality in Germany. It is plausible that subjects on one side of these controversies had reason to think that they were in a better epistemic position than their dissenters. They had reason to think that their arguments or moral intuitions were better than those on the other side, or that they were better



disposed to correctly evaluate the evidence and arguments with which all parties were familiar. The beliefs in question were controversial, but not CONTROVERSIAL.

For example, take William Wilberforce and friends debating with the slave trade lobby in English Parliament during the last decades of the eighteenth century. The slave trade was as controversial then as many moral issues are today. But in hindsight we can see that the abolitionists had better arguments; or perhaps they were better disposed to respond reliably to the arguments of which all parties were aware. More importantly, it is plausible that the abolitionists *themselves* had good reason to believe the higher-level claim that, in at least one of these respects, they were in a better epistemic position than their dissenters. They had good reason to think that considerable financial interests in the slave trade skewed their dissenters' moral intuitions or capacities for moral judgment; or perhaps they had reason to think that these dissenters were dishonest or simply careless in their moral reasoning. (Any of these will do.) But then so long as the abolitionists had no reason to suspect a corresponding defect in their own minds, their controversial belief in the wrongness of the trade was not CONTROVERSIAL.<sup>176</sup>

[And further down the same page, he concludes...]

[W]hy think that all of today's controversial moral beliefs are CONTROVERSIAL, when this wasn't true of many beliefs that were controversial just a few centuries or decades ago? The reasonable inductive inference, given our track record of moral progress, is that with respect to some of *today's* controversial moral issues, the parties on one side of the dispute have good reasons for thinking that they are in a better epistemic position than their dissenters. Such persons have more reason to suspect error in their dissenters' minds than in their own. But if this is right, then (P1) is false.<sup>177</sup>

In response, McGrath first clarifies that the key point behind King's objection—namely, that (some) controversial moral beliefs may not be CONTROVERSIAL—is in fact one that she already accepts. As she puts it, “[i]t is not as though there is some kind of necessary connection between a moral belief's being controversial and its being

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<sup>176</sup> Nathan L. King, “McGrath on Moral Knowledge,” in *Journal of Philosophical Research*, Vol. 36, (2011), pp. 226-227

<sup>177</sup> King, *Ibid.* p. 227

CONTROVERSIAL.”<sup>178</sup> This qualification should, I think, strike us as rather surprising, and not obviously consistent with various other remarks she has already made. However, let us set this complaint aside for now. In short, McGrath actually concedes to King that the abolitionists’ beliefs escaped CONTROVERSIAL status. She allows for this in the following way: first, she reiterates her earlier point that one way a controversial belief might avoid CONTROVERSIAL status is if one correctly recognizes fallacious reasoning on the part of those who dispute or deny it. Next, she affirms King’s point that the biasing factor introduced by the fact of one side’s having considerable financial interests in the trade’s continuation surely is epistemically significant, for this illustrates yet another way that such beliefs, though controversial, need not be upgraded to the status of CONTROVERSIAL. In sum, McGrath agrees with King that the abolitionists themselves had good reason to suppose it likely that those who supported the slave trade were the ones who were in error: “Given this description of the case, I agree that the abolitionists’ belief in the moral impermissibility of slavery is not rendered CONTROVERSIAL by the disagreement of those in the slave trade.”<sup>179</sup> Thus, McGrath grants that, should it turn out that there exists an analogous biasing factor on the part of one side of some contemporary moral controversy, it would follow that those on the

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<sup>178</sup> McGrath, “Reply to King,” in *Journal of Philosophical Research*, Vol. 36, (2011), p. 239

<sup>179</sup> McGrath, *Ibid.* p. 239

*other* side of that debate are no more epistemically threatened by the disagreement at hand than were those who opposed human slavery. *However*, she goes on, this is not a case that can be made with respect to the sorts of issues and debates to which our contemporary ‘controversial moral beliefs’ pertain. McGrath explains.

If it is true that, with respect to some such issue, one has reason to think that all of those with whom one disagrees are subject to some kind of biasing factor (analogous to the financial interests of members of the slave trade lobby) or are dishonest or careless in their moral reasoning, and one has no reason to suspect a corresponding defect in one’s own mind, then it follows that one’s belief about that issue is not CONTROVERSIAL. But I stand by the claim that, with respect to issues like those listed above, this is *not* our position: with respect to such issues, there are at least some opinions that cannot be dismissed or discounted on the grounds that those who hold them are more likely than we are to be biased, or to be dishonest, or simply to be careless in their moral reasoning. (Notice that it is not enough that one is in a position to dismiss *some* or even *many* who hold a different opinion on such grounds, for it is enough to render one’s belief CONTROVERSIAL if it is denied by even one other person of whom it is true that: you have no more reason to think that he or she is in error than that you are.)<sup>180</sup>

A couple points: first, the parenthetical remark at the end of this passage makes it very difficult to pin down McGrath’s actual view with any precision. As will be noticed right away, this remark—essentially just a reaffirmation of Sidgwick’s point—would seem to directly contradict her own reply to Shafer-Landau; the upshot being, in effect, to apparently bite the bullet and opt for the first horn of his dilemma (in which case global scepticism ensues). To see this, recall, again, that, according to her earlier remarks, the *reason* why those who dispute the philosophical sceptic are said to have

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<sup>180</sup> McGrath, *Ibid.* p. 240

more reason to think that he or she is the one who is in error than they is precisely the fact that a vast majority believes similarly. Either this does, or does not, furnish a reason for dismissing a lone individual dissenter as being more likely to be wrong than oneself. McGrath is explicit in her reply to Shafer-Landau that it does. If, however, this fact qualifies as such a reason there, then it must also qualify as such a reason elsewhere.

Perhaps even more striking than this apparent reversal in McGrath's view, however, is the fact that she offers no commentary about it when she makes it. Nor am I the only one to have noted this; as Ben Sherman remarks:

I take McGrath's (2008) position to be more credible than her (2011) position, because it squares better with more explicitly worked-out versions of the EWV [Equal Weight View] (cf. Elga 2007), as well as the fact that her (2011) position seems to ignore her own (2008) argument that unpopularity is itself a reason to suspect error.<sup>181</sup>

At any rate, since I myself am neither beholden to the Equal Weight View (see esp. Chapter 2; section 3), nor am I concerned (at least not at present or directly) with such broad metaethical questions as *the possibility of knowledge in moral matters*, I shall offer no further comments as to this apparent reversal from McGrath. To reiterate, though I do take myself to *know* that V—i.e. that it is *true* that veganism is morally mandatory—this is not (quite) the argument that I am making here. Bracketing the

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<sup>181</sup> Ben Sherman, "Moral Disagreement and Epistemic Advantages: A Challenge to McGrath," in *Journal of Ethics & Social Philosophy*, Vol. 8, No. 3, (June, 2017), p. 9

question, then, of whether and how I *know* that V, I am at present concerned only with the comparatively more modest question of justification; specifically, the matter of determining *relative justification* in controversial moral matters (e.g. my belief *vis-à-vis* yours), in light of the challenge posed to this by McGrath's argument from disagreement. Put otherwise, my concern is not merely to assess whether and how I am justified in believing V even despite disagreement; but also, and more to the point, to show that belief in V is *more* justified than belief in *not-V*. Thus, for my purposes, it will be enough if I can make good on the claim that vegans can plausibly suspect it more likely that those who disagree with them (about veganism) do so largely on the basis of one or more epistemic shortcomings that they lack. Simply put, I shall argue that vegans, like early abolitionists about human slavery, not merely *are*, but should *judge* that they are, relevantly epistemically advantaged within the context of their disagreement with omnivores.

The second preliminary point I should like to make concerns the list of representative examples of 'controversial moral beliefs' that McGrath gives in her (2011) reply to King. For the most part, this is a verbatim reiteration of the same list she gives in her earlier (2008) paper, albeit with the exception of one rather conspicuous omission: namely, beliefs about the permissibility or impermissibility of eating meat are no longer included. Again, the (2011) list *does* include beliefs about the permissibility (or lack thereof) of the death penalty, of abortion, as well as those concerning our moral

obligations of charity to those in need, just as before; meat-eating, however, is nowhere to be found. How significant is this omission (if at all)? Could it be that McGrath herself has come to regard the issue as perhaps too marginal to qualify as *bona fide* controversial, let alone CONTROVERSIAL (see my note 174, above, for more on this)? Or has she, perhaps, come to anticipate (or even affirm?) just how well-suited, indeed complimentary, this issue is for treatment in terms which are almost exactly analogous to those which King provides concerning the (human) slave trade? One can only speculate; a temptation I shall not indulge any further at this time. Instead, the time has come to consider whether and how V might also avoid CONTROVERSIAL status. Let us turn to this now.

The essence of King's objection to McGrath, as we have just seen, turns on the plausible (one would *like* to say, the *uncontroversial*...) suggestion that, *vis-à-vis* moral progress and at least *some* contemporary controversies, the present (probably) resembles the past. And the essence of McGrath's response to King, in turn, is to resist this claim by, on the one hand, suggesting that contemporary moral controversies are somehow uniquely formidable and vexing; and, on the other (and more importantly), by pressing King to provide counterexamples—that is to say, examples of current moral controversies for which one side is clearly epistemically advantaged over the other. Absent such all-important evidence, McGrath appears to say, and we shall have to accept that our contemporary controversial moral beliefs are CONTROVERSIAL. Now,

whether or not this is a fair challenge (I myself am not entirely convinced that it is), it is at any rate not one that King endeavours to meet, instead offering the following rejoinder.

McGrath accepts the premise of this argument. But she doubts that the premise provides good reason to accept the conclusion. On this point, one wonders: what has happened in the past fifty or sixty or two hundred years that provides reason to think that the present is unlike the past in the relevant respects? Perhaps it would be impolite to *assert* an epistemic advantage over one's dissenters. And it may be difficult to provide dialectically appropriate evidence of such an advantage. But these facts were also present with respect to the slave trade and the Civil Rights movement. It is not clear that they provide good reason to reject the "optimistic meta-induction" sketched above.<sup>182</sup>

Again, regardless of whether McGrath's challenge is fair (I tend to think that King's rejoinder here is response enough, at least within the context of their exchange)—and at the risk of my seeming, in what follows, 'dialectically inappropriate' or perhaps even 'impolite' (this being, I think, a risk that vegans must be prepared to take)—I would like now to suggest that this *is*, in fact, a challenge that can be met. Nor am I the only one who thinks so. In an engaging recent paper, Ben Sherman has argued persuasively that beliefs in support of marriage equality, for example, notwithstanding their status as undeniably controversial, are nonetheless not **CONTROVERSIAL**. Put otherwise, while it is true that there are a great many people who believe that 'marriage is and should be [exclusively] between a man and a woman,' [that] 'gay marriage is

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<sup>182</sup> King, "Rejoinder to McGrath," in *Journal of Philosophical Research*, Vol. 36, (2011), p. 245

wrong,’ and who thus dispute pro-marriage equality beliefs, Sherman argues that their dissent is nonetheless not epistemically threatening to those who affirm them. He writes:

Can I make the claim that the vast majority of those who disagree are reasoning fallaciously, factually mistaken or biased?

I think there is a strong case for those claims. I think there are conceptual confusions that are extremely widespread, including the confusion between what one finds distasteful and what is wrong; the confusion between what is familiar and what is morally acceptable; conflations of ethics with religion or custom; various forms of is—ought confusion; bad teleological reasoning, especially where evolution is concerned; and so on. Furthermore, I think there is pertinent factual information that a great many people lack, including information about human sexuality, sex and gender. And I think a great many people throughout the world have a significant interest in the sexual status quo.<sup>183</sup>

And, further down, he expands on this point about the status quo—a point whose relevance to my own argument could scarcely be more apparent, or more important.

[A]lmost all of us believe that moral progress has happened at some point in history, and that whatever reforms we consider progress were resisted for a generation or more. This, along with some historical evidence about scientific revolutions (cf. Kuhn 1996), suggests that most people resist new ideas in favour of old ones; there is some sort of status quo bias in ethics. When someone resists new ideas in favour of traditional views, then, the fact that status quo bias is common gives us a reason to suspect error. (I think this argument is uncontroversial among those who consider it).<sup>184</sup>

I for one believe that Sherman is quite right to observe that there exists “some sort of status quo bias in ethics;” indeed, I would argue that this phenomenon is especially evident in the case of animal ethics. I shall have more to say about this in a moment. For now, let us summarize the salient *historical* point whose importance King and Sherman both emphasize. In sum, so long as one grants that moral progress has

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<sup>183</sup> Sherman, (2017), p. 8

<sup>184</sup> Sherman, Ibid. p. 12



occurred *at all* (which, I take it, McGrath does believe), and insofar as one also grants that this has largely been a matter of new, and morally better, views ‘winning out’ in the long run, despite what was often considerable, even seemingly overwhelming, opposition in the early on (and generally for some time thereafter as well), one cannot help but recognize the crucial role of early proponents of such views—those whom I have been referring to as ‘moral pioneers.’ These are the individuals whose advocacy, whose arguments, and perhaps above all, whose fortitude in the face of deep disagreement was instrumental in disseminating (and popularizing) these controversial beliefs, and thus making widespread acceptance possible. Nor is it an exaggeration to say that had such individuals been, so to speak, epistemically cowed, by the opposition they faced, to the point of doubting, indeed denying, the greater justificatory strength of their own controversial beliefs compared to those of their opponents—*as per the normative implications of McGrath’s argument*—the correct moral views they espoused would almost certainly not have caught on. As King and Sherman rightly stress, this is precisely how we should understand the role and importance of early abolitionists, early advocates for women’s rights, for civil rights, for gay rights, and so on. It is also, I argue, precisely the role (and plight) of contemporary vegans *qua* advocates for animal rights. Vegans, in other words, are modern-day moral pioneers; and while the road ahead is surely a long one, it is, ultimately, one that can lead us to a kinder, more compassionate, and more *just* world. With that said, let us now turn to examine the

workings of one of the major obstacles on this road, for this is also one of the principal epistemic shortcomings on the part of those who dispute V: *status quo bias*.

## 4.4 Why veganism is not CONTROVERSIAL

Consider: there is no denying the fact that omnivorism is the dominant consumptive orientation the world over; the consumption of animals, and products derived from their bodies, is, for most people, familiar, traditional, ‘natural,’ and thus perfectly normal. In other words, where consumption is concerned, omnivorism is unquestionably the status quo. But more to the point—and setting aside the obvious financial interests at stake on the part of industrial and commercial animal-exploiters—most omnivores have an equally obvious vested interest in resisting the vegan imperative: namely, the desire to continue on enjoying one’s favourite animal foods. Indeed, this fact alone is often enough to make an omnivore’s encounter with arguments for veganism a distinctly off-putting, or at least unsettling, experience. Quite simply, the stakes of the debate can seem extremely *personal* to the omnivore (as indeed they are), the perceived upshot of argumentative defeat on their part being not merely that one must give up many, if not all, of the foods one loves, but, indeed, that one must virtually forsake pleasure in eating altogether. Though this is perhaps a natural enough reaction from those who are largely unfamiliar with vegan cuisine—which, alas, custom, media, popular culture; in short, the *status quo* all but ensures is the majority of the population—it is also quite untrue. To echo a point I made earlier, in the conclusion of

Chapter 2—also to cite one of Sherman’s remarks in the passage above—such overblown, albeit understandable, anxiety actually reflects one of the key respects in which a great many people are simply lacking in pertinent factual information about veganism: in this case, information about the availability, quality, and extensive range, of vegan analogues to traditional animal foods—to say nothing of the many exciting innovations and culinary discoveries one is likely to make once one has moved beyond the animal food paradigm. Nor is this lack of information easily remedied by, for instance, simply ‘taking the vegan’s word for it;’ after all, for all the omnivore knows, this or that vegan with whom s/he is debating the matter may simply not mind the ‘hardship’ of (what is perceived as) such a comparatively ‘restrictive’ diet. Moreover, since the vegan in such exchanges is plainly seeking ultimately to ‘convert’ the omnivore, the latter may have a difficult time ‘trusting the source’ of such testimony.<sup>185</sup> In response, there are at least two things the vegan can do here: first, she might offer to prepare a vegan meal for her interlocutor sometime, or perhaps to go to a vegan restaurant together; second, she might endeavour, *a la* Sherry Colb, to remind the omnivore of the fact that most vegans were not always vegan; adding, furthermore, that this fact would seem to point to an

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<sup>185</sup> Granting that this will of course vary from one exchange to the next, depending on such factors as, how well the interlocutors know one another (if at all), whether the omnivore views the vegan as sincere, sympathetic, arguing in good faith, etc. In short, this surely qualifies as an instance of the general dialectical difficulty King alludes to in the passage above; namely, the problem of *convincing* one’s interlocutor that one is, in fact, epistemically advantaged.

important and epistemically significant difference between them, since it underscores the fact that “most non-vegans can only *imagine* what it would be like for them to be vegan, whereas the vegan can actually *remember* what it was like for her to be non-vegan. [my emphasis]”<sup>186</sup> More to the point, this asymmetry furnishes the vegan with non-trivial, non-question begging grounds for judging herself to be epistemically advantaged, relative to her interlocutor, in at least one relevant respect.

The overriding point in all of this, however, is just to point out that the mere *impression* of one’s having to ‘give up,’ or at least severely depreciate, *personal pleasure in eating*—no matter that this is simply not true; an inference from ignorance, if ever there was one—is very likely to create *emotional resistance* (distortion; cognitive interference; *bias*) in the omnivore at the outset. As Colb aptly puts it, “A person who feels threatened with deprivation is ordinarily a less receptive audience. From the non-vegan’s perspective in this exchange, the vegan is inviting the non-vegan to give up fun, joy and satisfaction.”<sup>187</sup> With this in mind, it is hardly to be wondered at why many omnivores are apt to feel, even if only tacitly, that this is, quite simply, a debate that they cannot afford to lose; a sentiment which, I would argue, also makes it that much harder for the omnivore to recognize and/or accept the *force* of the arguments and

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<sup>186</sup> Sherry F. Colb, “What About Pleasure in Eating?” Ch. 2 of her *Mind if I Order the Cheeseburger? And Other Questions People Ask Vegans*, (Lantern Books, 2013), p. 29

<sup>187</sup> Colb, *Ibid.* p. 28

considerations on the other side, and, by extension, to realize when the debate has perhaps *already* been lost. Alternatively, of course, many omnivores may be inclined to simply avoid such an existentially uncomfortable exchange altogether; either by dismissing the so-called ‘vegan imperative’ virtually out of hand, or else by resolving to give their interlocutor’s arguments relatively short shrift. The dialectical equivalent, in other words, of shrugging one’s shoulders. The reasoning—or better, the *rationalization*—behind this sort of thing, no doubt, being largely a matter of the ease with which one can always appeal to the fact that the majority is on one’s side...

To clarify, I do not mean to suggest that this sort of zero-sum, all-or nothing, pleasure vs. deprivation false impression [on the part of many non-vegans concerning what veganism entails] is the *only* epistemic failing that helps to support and preserve the animal-consuming status quo (though I do think it plays a considerable role). Indeed, I no more think this than I do that I myself, much less vegans generally, am somehow immune to status quo bias, *full stop*. Surely we are not. Status quo bias is, by its very nature, a general, and thus potentially quite far-reaching epistemic shortcoming; one that can exert a distorting influence upon one’s deliberations about a great many unrelated moral matters. No doubt there are matters over which my own thinking is at least somewhat clouded by this phenomenon right now. The point, rather, is only that with respect to those moral matters concerning how we may/should treat/use non-human animals (e.g. for food, clothing, entertainment, etc.), here, at least, ethical vegans

are manifestly *not* so biased. Indeed, the decision to become, and to remain, vegan is precisely a *renunciation* of the status quo in this regard.

There is, of course, another important respect in which most omnivores are significantly lacking in pertinent factual information that vegans are not: namely, information concerning the actual policies, structures, practices—in short, the ordinary *goings-on*—of the animal food industry itself. To be clear, this is obviously just the sort of epistemic deficiency that vegans can, should, and generally *do* strive to remedy in omnivores when (and if) the conversation should turn to the vegan imperative. However, there are (alas) only so many vegans in the population, and thus only so many opportunities for edifying exchanges in this respect with omnivores. And while I of course grant that conversing with vegans is (obviously) not the *only* way that people can learn about these industries, I would also stress that one nevertheless does not come by such information, shall we say, *casually* in mainstream culture; on the contrary, one must generally go out of one's way to educate oneself about such matters. Simply put, the information in question is not part of our 'common knowledge.' In part this is because the industry itself, understanding very well that the majority of its consumers would find such information highly disturbing to say the least, strives mightily to keep the details of its practices discrete and (quite literally) hidden from public view; but it is also because, again, the status quo, reinforcing itself (so to speak) at virtually every turn, tends to discourage such critical probing into the moral legitimacy of our

accustomed norms and conventions, promoting, instead, a sort of implicit message of reassurance and acquiescence according to which *socially acceptable* = *morally ok*. The point, in sum, is that status quo bias functions as a subtle, yet no less effective and pervasive form of *collective social pressure*; a pressure which tends to operate without need for explicit uptake on the part of those whose actions and attitudes perpetuate its influence, nor from those whose *inaction*, whose uncritical acceptance of *the way things are*, is in large part simply a response to this; a pressure, in short, which works to protect and preserve that which is established, familiar, and thus *normal*, by suppressing the influence of upstart views which would challenge traditional ways of thinking (and doing). So understood, if one would like to become better informed as to the behind-the-scenes/beneath-the-surface goings-on of, say, the animal industrial complex, generally speaking one must be prepared to *work* for this knowledge. Indeed, one must also be prepared for the potential consequences of conducting such an against-the-grain inquiry openly, as this may include anything from, on the one hand, mere raised eyebrows and sideways glances from one's friends, family, colleagues, and associates, to open incredulity, or even ridicule, on the other. Of course, one might simply avoid all of this (at least initially) by instead carrying out such research privately—to which we must reply: if one feels socially compelled to be discrete in this sense, at even this merely exploratory stage of one's investigations, is it not likely that the prospect of one's actually *acting* on the knowledge one gains—say, by becoming vegan—is that much more improbable? Plainly, fidelity with the status quo is the path of least resistance here; it

is no surprise, then, that this is the path that most people take. To relate all of this back to McGrath's challenge, however, the upshot is this: vegans, by and large, having already broken with tradition and the animal consumption status quo, can plausibly judge themselves to be better informed about the empirical realities of the industries they morally condemn than the majority of those who materially support them. In slogan, we vegans know *exactly* what we oppose (and why); most omnivores, on the other hand, really do not grasp the full extent of what they support.

To better illustrate the content (and stakes) of this particular epistemic deficiency—and here I admit openly that much of what follows comes from personal experience—consider, first, that it is not at all uncommon for omnivores to wonder why, short of some personal purity crusade, vegans did not instead opt to stop at the 'happy medium' of vegetarianism. To be clear, I do not mean to imply that omnivores who press vegans about this do so for merely strategic or defensive reasons; on the contrary, I believe that in many cases, perhaps even in most cases, this question is entirely genuine. Simply put, there are a great many people out there who really do not understand why vegans do not regard vegetarianism as morally sufficient. The short answer to this—indeed, condensed to a single word—is *consistency*. Though it is true that some people transition from omnivorism to veganism directly, for many the transition is made *via* vegetarianism; more to the point, for many this transition is the product of one's coming to realize that the moral reasons one has for being vegetarian are in fact equally reasons



for becoming vegan. Consider: by the lights of the animal-consuming majority, ethical vegetarians are broadly understood as those individuals who object to the consumption of *meat* because this entails the suffering and death of the animal whose flesh it was. Ethical vegans, on the other end, are those who are perceived as ‘going one further,’ so to speak, and eschewing *all* animal products, including dairy and eggs. Though this is accurate enough as far as it goes, it remains the case that for many omnivores (and even some vegetarians), such apparent ‘extremism’ is genuinely puzzling. What could be morally problematic about milk, or eggs? After all, chickens naturally lay eggs; and don’t cows ‘need’ to be milked? Just what is the problem here?

The problem here, by vegan lights, is that the animals who are forced to live out their lives in such industries suffer every bit as much as—in truth, *more than*—their kin who are expressly raised for slaughter in the beef, pork, and poultry industries. Let us begin with the dairy industry.<sup>188</sup> Consider, specifically, that female cows do not, as it were, obligingly produce milk for us, merely and simply because we would like to drink

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<sup>188</sup> Here, as elsewhere, I must once again give credit to Sherry Colb, who has already presented a far more eloquent and thorough account of these points than that which I am about to provide; an account, moreover, to which my own remarks here are heavily indebted. In fact, the bulk of my points here should be read, in essence, as a paraphrased summary of two sections in particular of Ch. 4 of her *Mind if I Order the Cheeseburger?*, entitled “Why Not Just Be Vegetarian?” These are; (a) “The Suffering Inherent in Dairy;” and (b) “Disposable Male Babies’.” Furthermore, since the majority of the points here are not *value* claims, but rather empirical assertions of matters of fact, I must also encourage anyone seeking to review, or corroborate, any of the relevant data, studies, reports, or source material behind these assertions to consult the citation information Colb herself provides for this chapter—which, I might add, is as extensive as it is thoroughly researched.

it and/or make cheese, ice cream, or other products from it. Hardly. The biologically intended function of milk (and hence milk production) in cows is straightforward, for it is no more, and no less, than what this amounts to in humans: namely, it is the means by which a mother nourishes her young. Thus, insofar as we humans would like to harvest this secretion from female cows for our own purposes, we must first *induce* them to lactate; which is just to say that they must be forcibly impregnated. Thus does the dairy industry effectively convert a female animal into a biological machine: and thus does her life become an unbroken cycle (save for death) of impregnation, birth, lactation; impregnation, birth, lactation... I would encourage readers to educate themselves further as to the gory details here, but suffice it to say that this process ravages the bodies of female cows, creating all manner of health complications, pain, and suffering. One effect of this treatment is that dairy cows become ‘spent’ (this is the industry term for when dairy cows stop producing milk) usually somewhere between 4 and 7 years old. Now, while it is true that cows can naturally live to between 20 and 25 years old, this is not the fate of ‘spent’ dairy cows, for consider: it is not as though dairy farmers undertake to ‘thank’ or ‘honour’ such animals for their ‘years of service’ by, for instance, sending them out to pasture to live out the rest of their lives in peace; far from it. To keep such animals alive and in one’s care, despite being unable to extract profit from them, would be financially non-viable. And thus ‘spent’ dairy cows, like their brethren in the beef industry, are ultimately sent to the slaughterhouse as well (indeed, this is actually the source of much of the hamburger meat in the U.S.).

Furthermore, I would be remiss if I did not mention the *other* victims of the dairy industry as well: *the calves*. From the industry's perspective, these are, in effect, the 'by-product' that results from exploiting female cows as biological milk machines. Though a mother cow would ordinarily nurse her young for 9 to 12 months, calves in the dairy industry are separated from their mothers only a few days after birth. This is an extremely traumatic experience for both mother and calf (again, I would encourage readers to educate themselves further about this); but it also raises the following question: just what happens to these calves? The answer is not a happy one. Briefly, though some (by no means all) of the females may grow up to become milk-producing dairy cows like their mothers, many of these—and virtually *all* of the males (save for those needed for breeding purposes)—are slaughtered, whether upon their first being sold to veal farms, or to leather factories, or what have you. To sum up, it was Donald Watson, perhaps, who put it best, when he remarked (in 1947, I might add):

The vegan believes there is nothing in the idea of vegetarianism so long as this regrettable practice of eating more dairy produce continues. Indeed the use of milk must be a greater crime than the use of flesh-foods, since after all the exploitation of motherhood and calf-killing the cow must face the slaughterhouse. Thus the dairy cow suffers far more than the bullock taken from the field and slaughtered.<sup>189</sup>

So much for the supposedly benign, or at least morally unproblematic, dairy industry. But what about the egg industry? What, precisely, is it that vegans find

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<sup>189</sup> Donald Watson, An Address on Veganism at the 11th Congress of the International Vegetarian Union, Stonehouse, Glos, 2<sup>nd</sup> August, 1947, published by The Vegan Society, Ambleside, Westmorland, 1947, 5.

moral fault with here? As with dairy, the answer to this question begins with the same cruel, though perfectly *standard*, industry practice/notion that Sherry Colb has aptly termed “disposable male babies.”<sup>190</sup> To appreciate the disturbing reality to which this appropriately disturbing phrase refers, we must first note that the kind of chickens whose flesh humans eat are genetically distinct from those whose eggs we eat. The former are called ‘broilers,’ and have been bred so as to reach physical maturity as quickly as possible; at which point—generally just 6 or 7 weeks old—they are slaughtered. This ensures that chicken farmers do not have to wait long, or invest all that much in feeding-related expenses, etc, before they are able to convert these animals’ bodies into revenue. The latter, however—the chickens whose eggs we take—are called ‘layers.’ These animals have also been selectively bred for maximum profit-yield, although in this case by virtue of producing a truly astonishing number of eggs each year (more on this in a moment). However, since it is a biological fact that the natural reproductive output of virtually every species yields a ratio of approximately half males, and half females, the hatcheries from which egg farmers purchase layer hens are left with a 50% yield of ‘useless’ male chicks. Obviously, such chicks will never produce eggs; but neither are they the sort of chicken whose flesh we consume (on the related point, it would take considerably longer for these chicks to grow to optimal size and weight for slaughter

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<sup>190</sup> Colb, *Ibid.* Ch. 4

than their ‘broiler’ counterparts; which thus makes feeding and caring for them financially non-viable). In short, these male chicks—some 250 million of whom are born each year in the U.S. alone—are for all intents and purposes a mere ‘by-product’ of the egg industry; but more to the point, they are a by-product that is completely bereft of economic value to the hatcheries which bring them into the world—which is exactly how they are treated. The horrifying truth, then, of the fate of male chicks in the egg industry is that it is virtually no sooner than they have been born, and subsequently separated from the females, that they are simply killed *en masse*, either by being tossed (fully conscious) into a meat grinder; a plastic bag in which to suffocate; or perhaps a gas chamber. Thus one comes to see how the egg and dairy industries mirror one another in the suffering and death they inflict on the unavoidable male offspring that each, respectively, must produce. This, however, is not all.

Though the moral significance of the preceding facts (one hopes) all but speaks for itself, there are still more facts here to relate. In particular, it will be noted that I have so far said almost nothing about the treatment, well-being, and ultimate fate of the actual layer hens themselves. To remedy the situation—and because, as the quote from Watson (above) plainly shows: there is nearly always someone else who has already said it better—I shall once again turn to Sherry Colb, who summarizes the relevant points more succinctly, and more sharply, than I could hope to match. She writes,

A wild female Red Junglefowl, a member of the species from which domesticated chickens originated, lays fewer than 20 eggs each year. By contrast, the contemporary layer hen lays close to 300 eggs every year, a process that causes many hens to experience a painful uterine prolapse in which the almost daily, powerful uterine contractions necessary to lay so many eggs push part of the hen's uterus outside of her vagina.

Because shells are made of calcium leached from their bones, the production of so many eggs also leads layer hens to suffer extreme osteoporosis at a young age. One retired farmer described the bones of layer hens as having the consistency of potato chips. When the layer hen reaches the age of approximately two years old, her body is ravaged from producing almost 600 eggs, and she is considered "spent," at which time she is likely to be slaughtered or thrown into a garbage bag to suffocate.<sup>191</sup>

Once again; so much for another supposedly morally benign industry of animal exploitation that, in reality, is anything but. And that, in short, is why vegans do not regard vegetarianism as morally sufficient. But to return to the more general epistemic point at hand, regarding pertinent factual information: the fact that vegans are better informed than most omnivores about the standard operational details of the dairy and egg industries is not, I think, something that can be plausibly disputed. Nor is it any more controversial, I would argue, to say that the same goes for the operational details of the animal flesh industry—although for brevity's sake, I shall leave those details to the reader's imagination. To reiterate, the salient point in relation to McGrath's challenge is that vegans' moral opposition to animal exploitation is *epistemically rich* in terms of its informational content; while the moral *support* for this on the part of most

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<sup>191</sup> Colb, Ibid. p. 48

omnivores is, by contrast, epistemically *shallow*. Regarding the relative justificatory standing, then, of those who affirm, *contra* those who deny, V, this is a difference that *makes* a difference.

We have now come to the final, and in some ways most important, epistemically relevant asymmetry between vegans and omnivores that I should like to emphasize in this section: namely, *speciesism*. More to the point, vegans explicitly reject speciesism; while omnivores, at least implicitly (although sometimes explicitly), do not. This, I submit, is a phenomenon that we would do well to think of as a kind of *master bias*; indeed, it is precisely this historically long-standing, deep-seated, and thus rarely examined (or even noticed) presumption of human exceptionalism and superiority that is the very edifice of the animal-exploiting status quo. More precisely, although status quo bias may itself manifest in a great many moral contexts, the sense in which it *is* manifest in the context of the vegan-omnivore debate, and the manner in which it operates therein, is *underwritten* by the omnivore's more basic, socio-culturally nourished (and hence very likely tacit) conviction in the moral primacy of their own species.

Much has been said in this dissertation about speciesism already; much that I shall not rehearse again here. One thing, however, bears mentioning, and that is that, unlike status quo bias, which is general and thus potentially quite far-reaching in its influence and effects, speciesism, by its very nature, is domain-specific. Simply put, speciesism itself does not (at least not straightforwardly) extend its biasing influence

beyond those moral contexts having to do with our treatment of, and regard for, non-human animals. Though the term *sui generis* would not, perhaps, be an *entirely* apt description for this, it is, in the very least, a relatively *contained* form of bias (rather like the sense in which we might say that sexism—i.e. the belief that either *maleness* or *femaleness* is superior and thus morally primary—is ‘contained’ in *its* particular biasing influence to matters having to do with how one treats members of the opposite sex). Granted, it is true that the principal strategy on the part of those who oppose speciesism (namely; vegans, animal rights theorists, animal activists, etc.) is to argue that this prejudice is, in fact, *of a kind* with racism, sexism, and various other pernicious ‘isms’ that, thankfully, we now recognize (mostly, anyway) as morally indefensible. With that said, one might wonder why it is that I appear to be suggesting that speciesism is, at least in some ways, a bias unto itself.

The answer to this question lies first with the fact that most people who tacitly affirm speciesism tend not only to object to the unwelcome characterization (above) according to which this phenomenon, once it is brought to their attention, should be understood in terms which are analogous to those in which he or she already understands (the wrongness of) racism, sexism, and the like; but also to sincerely question how apt such a description could really be to their situation, *particularly* in light of the many other progressive values and beliefs they hold dear. More to the point, their objection, and doubts, on this score is bolstered, at least as they see it, by the fact that they



themselves are neither racist, nor sexist, nor heterosexist, and so forth.<sup>192</sup> “Consider:” (they might reason) “if my alleged ‘speciesism’ really is, at least in its underlying logic, as close to these other ‘isms’ as you maintain—and granting, as I think you are right to note, that the misguided fundamental logic behind each of these shares a common underlying theme<sup>193</sup>—then should we not expect that I should be likewise beholden to them? But behold, I am not! Does this not suggest that your characterization of the basic assumptions, unreflective or not, underlying my consumptive choices as implicitly ‘speciesist’ is at least somewhat ill-fitting?”

To be absolutely clear, let me just say that I emphatically do *not* mean to suggest, or even to intimate, that if one is speciesist, one must also be, in some sense, a ‘closet racist, sexist,’ or what have you (i.e. merely on account of one’s susceptibility to this *specific kind* of prejudice). On the contrary, it is entirely possible, and utterly commonplace, for speciesists to be absolutely genuine and resolute in their opposition to these other forms of [human-specific] prejudice; this is not in dispute. The key point, however, is this: whereas omnivores might be inclined to regard this as evidence enough

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<sup>192</sup> Obviously I do not mean to deny that some speciesists are *also* racists, and/or sexists, and/or heterosexists, etc. Sadly, this is surely true. Here I mean only to underscore the fact that many are not.

<sup>193</sup> To reiterate; the common underlying theme here—or better, the common explanatory feature—is that, on reflection, one sees that each of these forms of prejudice wrongly privileges arbitrary features and considerations—gender; ethnicity; sexual orientation; species membership—as though they are, or should be, decisive, or at least mediating, factors in relation to an individual’s moral standing... to the question of what one is owed at the fundamental moral level (e.g. the right not to be enslaved; abused; discriminated against...), and so on.

to show that they are not, in fact, speciesists at all; vegans, on the other hand, see this as evidence of the fact that, for most people, it is simply that much harder to *notice* (much less to accept, and take steps to rectify) the moral inconsistency in one's own worldview between speciesism and, say, anti-racism than it is between anti-racism and, say, sexism, or heterosexism. Nor is this all that surprising; indeed, to explain this we need only to recall the fundamental conceit behind speciesism itself: which is ultimately just the belief that, morally speaking, there is all the difference in the world between humans and animals (i.e. that there is a deep moral 'divide' here); in view of which, even though it is arguably true that *if* one is already morally committed to egalitarianism with some particular group of humans, one might more easily be made to see the force of analogous arguments concerning yet other groups [of humans], it is also true that, more often than not, there will remain, nonetheless, a narrow but deep intuitive 'disconnect,' so to speak, between humans and animals, which makes it considerably more difficult to extend such arguments all the way to one's conception of non-human animals as well. Simply put, speciesists do not *perceive* their moral inconsistency *as* inconsistency; which is, of course, the very essence of the problem. Granted, there are surely respects in which we are all, on some level, morally inconsistent; but the more flagrant our inconsistency—assuming, that is, it pertains to our treatment, or assessment, of other *humans*—the more we can expect, at least to some extent, that we will be alerted to this fact, or indeed 'called out,' by the various mechanisms of dialectical pressure and public criticism that obtain in free, and open, societies (assuming, of course,

our society is at least moderately progressive). The inconsistency upon which speciesism rests, however, is more robust, and thus it is much better protected against this sort of thing; although not, mind you, because it is any more rational or defensible, in and of itself, than other forms of moral inconsistency; rather, because as things stand at present, this remains an *extremely* widespread, unreflectively affirmed (and thus very seldom examined, or even noticed), form of prejudice; hence, there are simply far fewer voices of dissent in the mix that we may count on to problematize it—at least for now.

But to return to the matter at hand; the possibility that one may in fact be subject to a form of deep-seated prejudice and bias that is substantively similar (and thus similarly immoral) to various other forms of prejudice that one (let us hope) fervently opposes, is disturbing, to say the least. Indeed, this is why the *charge* of speciesism, I would argue, is so often met with a strategy of, call it, *apologetic re-description*, during which one endeavours to philosophically vindicate the *already assumed* lesser moral status/worth of non-human animals, relative to human exceptionalism, as being (lo and behold!) legitimate and defensible after all. As we have already considered at various points in this study, such accounts typically proceed on the basis of some proposed feature or features of human beings—e.g. our rationality/cognitive sophistication—that is supposed to distinguish us as morally special; that is to say, as entitled to various forms of fundamental treatment and protections that animals are not. As we have also seen, however, such accounts are, to

be blunt, philosophically weak, for they invariably devolve into a kind of desperate *ad hoc* scramble (in response to vegan criticisms) where their proponents must somehow ingeniously finesse the account in order to non-arbitrarily exclude non-human animals from one's sphere of moral concern in such a way that (a) justifies our continued use of them as resources and commodities; but which also (b) does not, at the same time, end up excluding cognitively comparable human animals as well. This is, quite simply, a project for which there can be no traction.<sup>194</sup>

## 4.5 Why veganism is not a moral fad

The preceding considerations, I submit, are sufficient to meet McGrath's challenge in the context of my controversial belief in V. Put otherwise, these points constitute good reasons for concluding that ethical vegans are in fact relevantly epistemically advantaged over their non-vegan dissenters with respect to our moral obligations to non-human animals. Put yet otherwise, my belief that V is controversial, though it is not CONTROVERSIAL; in view of which, the question of relative

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<sup>194</sup> And yet, to be sure, there is no shortage of intelligent, perhaps even brilliant, thinkers who pursue this line of reasoning. How can we account for this? Indeed, one is tempted at this point to suggest that perhaps the reason why so many highly intelligent, otherwise critically discerning thinkers (e.g. anti-animal rights philosophers) traffic in, and support, such manifestly bad arguments in the context of animal ethics is in fact just species bias, pure and simple. One is *tempted* to suggest this, mind you, but doing so would almost certainly qualify as what King described earlier as a 'dialectically inappropriate' or, indeed, an *impolite* assertion...

justification is also settled: I, and vegans generally, am more justified in believing V than are omnivores, and non-vegans generally, in believing *not-V*.

Before we conclude, I should like to offer two further parting points; points which are intended as equal parts clarification and defence. First, it seems reasonable to suppose that at least some readers may find at least some aspects of my discussion in the previous section either too polemical, too sociological, or else simply too *speculative* to be convincing. For starters, I admit, openly, that my remarks here surely are at least somewhat speculative; but, then, given the nature of McGrath's challenge, along with the obvious impossibility of my invoking *historical* hindsight to confirm my *contemporary* suspicions about who is 'getting it right' in the vegan-omnivore debate (*a la* King's argument concerning past debates over civil rights; women's suffrage; or the abolition of human slavery in the West), how could it be otherwise? Simply put, 'speculation' may be the best we can do here. That being said, I hasten to add that my argument on this score is not *purely* speculative; for it is also analogical. More precisely, the account I have tried to present here is importantly bolstered by the fact that many of the epistemic deficiencies I have just ascribed to the majority of contemporary omnivores find clear parallels in the form of corresponding deficiencies on the part of those who we *now* know to have been 'getting it wrong' in the past; a fact which lends considerable support to my suggestion that King's inductive argument finds a natural ally in contemporary veganism. This point is made especially clear with regards to the

enslavement of Africans and indigenous persons (Native Americans) in the colonial United States. Speciesism, for instance, is here paralleled by a kind of ‘racial essentialism,’ a prejudicial, and analogously hierarchical, conception of moral status according to which persons of African descent, and, indeed, darker-skinned persons in general, were believed to be ‘naturally inferior’ to whites (viz. less intelligent, uncivilized, ‘savage,’ and the like). Also like contemporary speciesism—or better, “species-narcissism,”<sup>195</sup> which is not merely an implicit bias on the part of (most of) the population at large; for this is also a position that, at least in its essence if not its name, many modern-day scholars adopt and defend (albeit, to be sure, in varying different theoretical shrouds and packages)—racial essentialism did not *only* enjoy folk support either, for this was also championed by many intellectuals of the day (i.e. what is sometimes called ‘scientific racism’). Moving beyond speciesism, it is also reasonable to suppose that a great many who accepted, supported, and in one way or another benefitted from human slavery during this period were not fully cognizant of all that was practically involved in the regular operation, and maintenance, of this unjust institution; indeed, just as a great many modern-day consumers are not fully aware of all that is involved in the provision of the various animal products they purchase.

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<sup>195</sup> I borrow this phrase from Ted Benton. See his (1988) “Humanism = Speciesism? Marx on Humans and Animals”, *Radical Philosophy* 50: 4-18.

Second, though I credit Sherman's suggestion that "there exists some sort of status quo bias in ethics," and that resistance to new ideas in favour of old ones is thus itself a reason to suspect error, I also credit the following point he makes, which is a sort of corollary of the first: namely, [that] novelty is not always, much less necessarily, a reason—or better, a *good* reason—to suspect that one is right. As Sherman sees it, then, one thing that is useful to bear in mind here is how long a particular controversial moral view has been around; specifically, whether it has managed to endure the vagaries of shifting support vs. contestation in society long enough for its novelty (though not its merit) to have at least begun to wear off. Granted, if a moral view is *very* new, it may simply be too early to say whether it will survive and catch on. That is to say—prescinding from the question of whether the view is correct or not—depending on just *how* novel it is,<sup>196</sup> it may be hard to determine with any confidence whether it is, or is not, destined to become a mere 'moral fad.'<sup>197</sup> Now, veganism is undoubtedly controversial; but is it also 'novel'? Not really. Or rather, not anymore.

Though it is of course difficult to state precise criteria in this regard, Sherman recommends that we should probably "suspect novel moral views of faddish error until

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<sup>196</sup> Obviously, there are many other markers besides novelty alone to go on as well; for example, a view might be novel and yet patently stupid, in which case we would hardly say (unless we were in a very cynical mood) "ah, well, but it is too soon to tell! Perhaps it will catch on!"

<sup>197</sup> I borrow this term from Sherman; see esp. pp. 12-13 (Ibid).

they have stood the test of a few generations.”<sup>198</sup> As a rough and ready ‘litmus test,’ so to speak, for identifying moral faddism, this seems plausible enough. More to the point, veganism passes this test with flying colours. Consider: to say nothing of some of the *far* older historical antecedents of veganism—most notably, perhaps, being the concept of *ahimsa*; an important tenet of Hinduism, Jainism, and Buddhism, based on principles of compassion and nonviolence—the term ‘vegan’ itself has been around since 1944, coined by Donald Watson and the other founding members of The Vegan Society (a registered U.K. charity and, I might add, still an excellent all-around informational resource for vegans, and those seeking to learn more about veganism. On that note, I would also encourage readers to consult the excellent, and highly informative, article “Ripened by human determination: 70 Years of The Vegan Society,”<sup>199</sup> for an engaging account of the origins, and history, of the Society. My own brief remarks about this, immediately below, are much informed by, and indebted to, the far more detailed discussion to be found there). Naturally enough, the term, formed from the first and last letters of the word ‘vegetarian,’ was coined in response to the felt need for a more specialized name for those who, like Watson and friends, felt morally compelled to move

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<sup>198</sup> Sherman, *Ibid.* p. 13.

<sup>199</sup> This article is available on The Vegan Society’s website, and can be found at the following address: <https://www.vegansociety.com/sites/default/files/uploads/Ripened%20by%20human%20determination.pdf>



beyond mere vegetarianism and to eschew the use of all animal products.<sup>200</sup> However, while the term itself did not come on the scene until the mid-1940's, the concept itself was plainly a matter of interest and debate for some years prior.<sup>201</sup> For example, in 1923, the editor of *The Vegetarian Messenger*—a journal published by The Vegetarian Society (founded in 1847)—wrote: “We feel that the ideal position for vegetarians is abstinence from animal products, and that most of us are, like other reformers, in a transitional stage.”<sup>202</sup>

All in all, there is simply no denying that ethical veganism, though certainly controversial, is to be recognized as an established, and indeed growing, moral view; in particular, one whose roots, and whose longevity, defies classification (and dismissal) as a mere ‘moral fad.’ In closing, and here one cannot resist employing that oft-used expression, veganism *isn't going anywhere*; or rather, it isn't going anywhere but forward.

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<sup>200</sup> Paraphrase, Ibid.

<sup>201</sup> Paraphrase, Ibid.

<sup>202</sup> Vegetarian Messenger, 1923, 77, cited in Leah Leneman, ‘No Animal Food: The Road to Veganism in Britain, 1909 – 1944’ in *Society and Animals*, Vol. 7, Number 3, Cambridge: 1999, 219-228. p. 221. Also cited in “Ripened by human determination: 70 Years of The Vegan Society,” Ibid.

# Conclusion

I would like to conclude this study by considering one of the more interesting ‘lingering questions’ one might potentially have regarding the neo-Pascalian approach as I have presented it thus far: namely, how should we understand the *agent-specific* ‘moral worth’ of precautionary veganism *contra* confirmed veganism? The emphasis on agent-specificity here is important since there is of course a quite different sense—also, it bears mentioning, a *more important* sense, all things considered—in which the correct answer to the question of precautionary veganism’s moral worth corresponds more or less exactly to that in response to the very same question, but posed instead regarding veganism *as such*: quite simply, the moral worth of precautionary veganism is firstly a matter of its amounting, in practice, to an appropriate response to the suffering and death of non-human animals in the animal food industry; to wit, a response of avoidance, abstinence, and the withdrawal of one’s material support, *qua* consumer, for animal products. This much, at least, is obvious. Less obvious, however, is how precautionary vegans *themselves*, *qua* individual *moral agents*, should be viewed by, and in relation to, their ‘confirmed’ counterparts. It is this question—and hence the more subtle sense in which one might inquire about ‘moral worth’—that will be our focus for the remainder of this dissertation.

To help bring this question, and its philosophical import, into focus, I shall explore it primarily within the context of a particular objection: an objection not to the apparent implications of the neo-Pascalian approach (like that which we considered in Chapter 3), but, rather, to the entire approach itself—or better, to the merit (or lack thereof), of even articulating such an approach in the first place. Having said that, I must add the following disclaimer: the actual ‘objection’ itself, though interesting in its own right and thus (one hopes) edifying to examine, is nonetheless largely of the ‘for-the-sake-of-argument’ rhetorical variety. In other words, this is something that I will introduce mainly as a device of illustration; the better to help ‘give voice,’ so to speak, to the question(s) at hand. It should not, then, be supposed that I have any particular critics or commentators in mind; I do not. The investigation I am about to take up is thus first and foremost an exercise in clarification. But first, a brief summary of the main arguments of this project, and their upshot, is in order.

To that end, we might begin by noting the fairly banal point that, should the omnivore find herself entirely convinced by the vegan’s arguments, well and good. More interestingly, as was shown, at length, in Chapter 2, if she is *not* convinced, but regards the vegan as her epistemic peer, she should adopt what I have dubbed ‘precautionary veganism’ for Pascalian reasons. Nor does this argument *depend* (for its sense or its force) on her being inclined toward a conciliationist or ‘Equal Weight’ stance on the question of peer disagreement; although, to be fair, the argument is certainly that much

more vivid when this is the case. Crucially, as was also shown in the final sections of Chapter 2, harm-causing actions, by their very nature (and other things being equal) are in general such that one cannot be said to be *justified* in (knowingly-deliberately) carrying them out (soliciting them, profiting from them, etc.) unless and until one is *certain* they are morally permissible. Indeed, this is especially evident when the harm in question is unnecessary, entirely avoidable, and so on. Granted, (merely) judging oneself to *be* certain in this regard is obviously not *sufficient* by itself for actually *being* justified. That is not the point. The point, rather, is that it does seem, at least intuitively, that this is *necessary*, whatever else might be needed for, call it, ‘full justifiability.’ Put otherwise, if one is genuinely unsure as to whether one’s potential participation in some non-exigent instance of harm is justified—whether the participation in question involves acting in such a way as to directly cause harm; to materially support, or otherwise solicit harm; or even just (knowingly) reaping some form of benefit from the harm (when abstaining is entirely possible)—and yet one participate nonetheless, one has thus acted morally indefensibly. And thus, although we do not (and presumably *should* not) take certainty to be a necessary condition of its being rational to ‘stick to our guns’ *in general*—at least not in the majority of cases of peer disagreement—cases involving the permissibility, or impermissibility, of causing harm are different; here it does not seem out of place to insist on certainty as a minimally necessary condition, from an agent’s own perspective, of justification. Finally, as we saw in Chapter 4, the omnivore should in any event seriously question whether she is,

in fact, the vegan's epistemic peer; it is likely she is not. In sum, unless the omnivore is wholly unconvinced by the vegan's arguments—and also judges herself to be wholly certain that omnivorism is permissible—she should become a precautionary vegan.<sup>203</sup>

And with that we have come to the aforementioned objection, which is also the last of its kind to be taken up in this investigation; an objection that, as I said, seeks to put pressure on the very *idea* of the neo-Pascalian approach—or better, on the very idea that this was ever a particularly *good* idea to begin with. To get things underway, note how it is at least possible that some (ethical vegans in particular) might observe that my Pascalian argument is regrettably 'cynical' (or even defeatist) insofar as it does not aim at persuading people to become 'confirmed' vegans; but rather (and, as it were, *merely*) 'precautionary' vegans. In other words, it is conceivable that some might regard the appeal to Pascalian considerations itself as a sign of argumentative exhaustion, or even failure, on my part since the upshot of this approach is that even when the strategy succeeds, the most we get is a kind of 'second-rate' veganism.<sup>204</sup> The thrust of this objection, then, is to suggest that I am guilty of setting my sights too low; the chief

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<sup>203</sup> Many thanks to my advisor, Hilary Bok, for helpful discussions and suggestions about how best to structure, and describe, the findings of this project in summary fashion.

<sup>204</sup> To reiterate, this 'objection' is mainly a rhetorical contrivance on my part, raised to help illuminate the philosophical significance of a particular sort of question. It is hard to imagine that there are many, vegan or otherwise, who would seriously press this 'complaint' in the spirit of undermining the case for precautionary veganism. That is not the point; the point, rather, is that the task of responding to it may prove edifying all the same.

complaint, in so many words, that I would have been better off spending the bulk of my time in the preceding pages arguing for ‘all-in,’ fully confirmed ethical veganism all along.

The first thing I would note in response is that there is a very simple reason why (the bulk of) this project was not given over to arguing, full-bore, for ‘all-in’ ethical veganism; quite simply, it is the considered opinion of this author that the first-order case for ethical veganism has already been made.<sup>205</sup> There is simply very little else that one could (or need) say in this regard; in view of which I have endeavoured, instead, to engage primarily with some of the lesser noticed questions, non-obvious implications, and the like that emerge from putting ethical veganism into conversation with certain (relevant) debates in areas outside of animal rights theory (foremost, of course, being the ethics and epistemology of disagreement).

The second thing I would note is that, the above-point notwithstanding, there actually *are* sections of this dissertation (e.g. the latter half of Chapter 4) about which it may be fairly said that I was, in fact, arguing for ethical veganism directly. Even so, it remains the case that a substantial portion of this project was given over to elaborating, and defending, the neo-Pascalian approach; and thus the objection stands.

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<sup>205</sup> See, for example, Regan’s *The Case for Animal Rights* (1983); Francione and Charlton’s *Eat Like You Care: An Examination of the Morality of Eating Animals* (2013); Francione’s *Rain Without Thunder: The Ideology of the Animal Rights Movement* (1996). See also Singer’s *Animal Liberation: A New Ethics for Our Treatment of Animals* (1975).

The next task is to determine (a) just what sort of objection this is; (b) what (if anything) actually turns on it; and, relatedly, (c) whether it is one that only other (confirmed) vegans could make, or non-vegans as well.<sup>206</sup> To help make the objection more vivid, and also to better see how it is not, I think, logically vegan-exclusive, consider the following analogy with racism. Imagine that you are arguing with someone who is racist, and you have managed to bring them at least to the point of seriously questioning their racism. More to the point, suppose that you have managed to impart unto your racist interlocutor enough doubt and self-critical introspection that they are now left either fully agnostic, or else seriously uncertain, about whether race-based discrimination is morally justifiable. Suppose, finally, that you are also able to induce this individual, via an analogous Pascalian argument, to at least err on the side of moral caution in the interim and abstain from treating non-members of their own racial group differently

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<sup>206</sup> And granting that fully convinced, confirmed non-vegans (obviously) do not have any real stake in how the finer details and subtler points of ethical veganism—confirmed *or* precautionary—are to be spelled out; in view of which, the prospect of their pressing such considerations would seem to be purely a matter of intellectual curiosity on their part.

than members.<sup>207</sup> Is this really, in the final accounting, a success? Is this really the best one can do?

It is true, I think, that there is a fairly strong intuitive sense in which you *have* failed here; or rather, that your ‘success,’ such as it is, is at any rate a highly qualified one. Put otherwise, even allowing that this may well have been the most that you (or, for that matter, anyone) *could* do in the context of your (no doubt quite vexing) *particular* exchange with this *particular* individual racist, it is surely not the most, much less the ‘best,’ that one *hopes* to do in the sense of one’s overall willingness to participate, in general, in exchanges of this *type*. The chief shortcoming, then, is that you were

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<sup>207</sup> Here I would make a small plea for patience, as this example is plainly something of a conceit, deployed purely for the sake of illustration. More specifically; one might wonder whether we really *can* imagine such an individual—or rather, whether we can imagine him or her with as much clarity and specificity as we (surely) can precautionary vegans. I am grateful to Hilary Bok for bringing this point to my attention. Part of the difficulty here is that, should one *try* to do this, one begins to sense that there is (arguably) more involved in being a (good) precautionary anti-racist than in being a precautionary vegan. This is because while both involve ‘avoidance behaviour,’ what this actually *amounts* to in practice—i.e. *what* one should avoid; and *how* one is to do this—is relatively uncomplicated in the one case, but less so in the other. In the precautionary vegan context, this will ultimately just be a matter of not consuming/purchasing animal products; the morally appropriate ‘mode of interaction’ here (for lack of a better term) with, e.g., pigs and cows being firstly a matter of one’s not eating them (and products derived from/at the expense of their bodies). Precautionary anti-racism, on the other hand, would seem to imply not merely avoidance at the level of what we might call flagrant discrimination (suppose, e.g., the individual in question was a shopkeeper or restaurateur who, prior to becoming a precautionary anti-racist, would only serve members of his or her own racial group), but also an effort to curtail those more subtle manifestations of one’s implicit racial bias as well (as in the course of, e.g., day-to-day casual conversation, meetings, etc.)—in view of which, it is difficult to imagine someone being a particularly *good*, *steadfast*, or *convincing*, anti-racist on purely precautionary grounds; i.e. without the added conviction of their positively affirming the view that racism *is* wrong. That being said, while there are plainly points of disanalogy here—and granting that the very idea of ‘precautionary anti-racism’ is firstly thought-experimental—the juxtaposition with precautionary veganism remains, I think, informative for present purposes.



unsuccessful in your efforts to impart a thoroughgoing understanding in your interlocutor of the unjustifiability of their racism; this being, of course, your initial goal. Granted, you have also managed to persuade this individual that insofar as they harbour any doubt as to whether their racist beliefs are defensible (and, by extension, whether the discriminatory actions and practices these beliefs enjoin them to carry out are permissible), they should at least adopt a policy of egalitarian conduct going forward. This is *something* of a success, to be sure, and yet one cannot help but feel a bit dejected and unsatisfied all the same. The reason for this seems clear: ‘precautionary anti-racism,’ one feels, is impoverished, ‘second-rate,’ anti-racism, since the motivating reasons in support of the actions, conduct, etc. which it nonetheless (and thankfully) enjoins this agent to perform (and/or to refrain from) do not derive from *his or her own understanding of the wrongness of racism*. The anti-racist actions and conduct of precautionary anti-racists are thus importantly lacking in moral *worth* (more on this soon), *contra* those of fully ‘confirmed’ anti-racists whose own like actions and conduct, though outwardly equivalent to those of their precautionary counterparts, are firstly based in their prior belief in, and support for, moral egalitarianism *vis-à-vis* race.

One possible response, perhaps, would be to simply insist that veganism is as veganism does. In other words, to stress that insofar as the actual consumptive choices that confirmed and precautionary vegans respectively make are equivalent, all is well. In addition, one might attempt to support this response further by suggesting that part

of the reason behind why the prospect of an analogous response in the imaginary case above would be so unsatisfying (as I assume most readers would agree) is because we have made substantially more moral progress as a society on the anti-racism front than we have in our treatment, and overall conception, of non-human animals. Put otherwise, while confirmed ethical vegans are, morally speaking, ‘early adopters,’ and thus constitute a statistically quite small percentage of the general population, racists are, in a sense, anachronists whose moral failure is at least partly a matter of their not keeping up with the times (and, therein, with the general advance of moral progress that has brought us to where we are today). Thus, the image of the erstwhile confirmed racist who has, to their credit, come *at least* as far as precautionary anti-racism nonetheless strikes us as simply not going far enough. More to the point of the objection, however, given that anti-racism has reached the point of being virtually axiomatic in society, a core tenet, one could even say, of our common-sense morality, *we* should not falter in our dialectical efforts to persuade this individual to ‘come around’ *all the way*, and to fully *renounce* their racism. Here, then, is a case in which it surely *is* incumbent on us to persist; here it surely *would* be overly cynical of us to stop short and simply accept the half-measure of this individual’s doubt-driven anti-racism, particularly since nowadays there are enough mechanisms of collective social support, indeed pressure, in the direction of confirmed/‘all-in’ moral egalitarianism (about race) that we can realistically expect our continued efforts, in conjunction with said mechanisms, to produce a genuine change of heart on their part. With veganism, however, the situation

is importantly different. Veganism, alas, does not presently enjoy anything like the widespread support that anti-racism does; hence, to suggest that vegans who have managed to convince non-vegans to become precautionary vegans have likewise ‘failed,’ or come up short (by their own lights, that is), simply because precautionary veganism is not *all-in*, thoroughgoing veganism is to set an unrealistically demanding standard for what counts as argumentative success; in particular, one that ignores the all-important social context within which such exchanges take place. Quite simply, it is not cynical, much less defeatist, to ‘pivot’ from making the first-order case for ethical veganism, and to aim instead at precautionary veganism as a more realistic target in one’s persuasive efforts. On the contrary, there are times when it makes good sense to pursue this strategy, and to count ourselves fortunate when it pays off. One can only hope (and strive) for a world in which the very notion of precautionary veganism strikes the same counterintuitive chord in us that precautionary anti-racism does, since this would be a world in which fully confirmed ethical veganism was the norm.<sup>208</sup> For now, we confirmed vegans should be prepared, when our first-order arguments fail to bring about full ‘conversion’ (so to speak), to adopt the neo-Pascalian approach.

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<sup>208</sup> For an interesting, humorous yet earnest, and entirely novel exploration of what such a world might be like, Simon Amstell’s engaging ‘mockumentary’ film *Carnage: Swallowing the Past* (2017) is not to be missed. <http://www.imdb.com/title/tt6667360/>

While the preceding response succeeds well enough, I think, as far as it goes, one might still ask whether it goes *quite* far enough. I for one am inclined to say that, yes, for all *practical* intents and purposes anyway, this objection has been stopped in its tracks. But what about for all *philosophical* intents and purposes? Have we truly said all there is to say about the matter, or might it yet prove edifying to imagine how our hypothetical critic (suppose we have caught them in an *especially* contentious mood) might conceivably try to resubmit this objection, even if only for the sake of intellectual curiosity? This seems a possibility worth exploring.

For starters, we can imagine that our critic might claim that the response above largely ignores the chief *philosophical* question that was meant to serve as the central nerve of the objection in the first place. A question, they might insist, which is not, at least not firstly, concerned with the merits of ideal vs. realistic goal-setting, argumentative/dialectical ‘strategy,’ and so forth (clearly, this being the level at which the preceding response was pitched), but, rather, with *the nature of morally worthy action itself*: a complaint, more precisely, that concerns the causal and explanatory bearing (or lack thereof) that the right (moral) reasons may be said to have on an agent’s motivation. Consider: according to the version of the objection we are now tasked with addressing, it remains fair play to press confirmed vegans to at least *acknowledge* the fact that there plainly is a non-trivial sense in which, by our lights, it surely *would* be better if each and every individual who elected to become a precautionary vegan had

instead become a fully confirmed ethical vegan—and not *merely* better in the sense that confirmed ethical vegans are presumably less likely to abandon their veganism than their precautionary counterparts; but, more importantly, better in the *deeper* sense of their grasping, believing to be true, and subsequently responding, in the right way, to the first-order reasons in virtue of which veganism is understood to be the morally correct, indeed morally non-optional, orientation to adopt toward non-human animals. Moreover, once confirmed vegans have granted this point (as I think we must), the next move is to press us to account for the seemingly awkward state of affairs in which we now find ourselves, wherein (this objection maintains) our conception of precautionary veganism has thus been ‘exposed’ as amounting to a fairly unflattering picture involving ‘full members’ on the one hand (i.e. ‘we,’ the confirmed vegans), and, so to speak, ‘probationary members’ who do not quite ‘measure up’ on the other (i.e. ‘they,’ the precautionary vegans).

Before responding, let us see if we cannot deepen this objection. To do so, we must first clarify its target: this, as we have already noted, concerns the notion of moral worth.

Consider, again, the following principle.

V: It is wrong to unnecessarily harm and/or kill non-human animals for our benefit, and/or to make use of them in ways that are either at odds with, or that frustrate, their own interests and inclinations.

Confirmed vegans affirm this principle; precautionary vegans do not. Obviously, precautionary vegans do not *deny* this principle either; rather, they are agnostic as to its truth. Therein lies the rub. According to those who would press the objection we are presently considering, this is a difference that *makes* a difference; specifically, attending to this distinction would seem to deliver two very different evaluative verdicts as to the moral worth of the two agents' actions. Intuitively, it is the confirmed vegan who presents (at least initially) as being the more admirable, more virtuous, more morally estimable of the two (at least by the lights of other confirmed vegans; but perhaps generally as well), since here there is a tight explanatory relation between (a) the agent's moral beliefs (principally: her belief that-V), (b) the motivating reasons these supply to her will, and, finally, (c) her V-actions. The precautionary vegan, on the other hand, is simply not in the position of, so to speak, *honouring* V in her actions in anything like this robust sense (since, after all, she does not *believe* that-V); at most, then, she is in the position of *satisfying* V<sup>209</sup>—since, being quite unable to act on the basis of a belief that she does not hold (i.e. a belief that-V), she must instead act on the basis of, call it, a belief *as-though* V. Thus, by confirmed vegan lights, her actions should be seen as

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<sup>209</sup> For reasons which will become clearer in a moment, the 'honouring vs. satisfying' distinction here is offered in a similar vein to the distinction Kant alludes to in the following passage from the Preface to the *Groundwork*: "[I]n the case of what is to be morally good it is not enough that it *conform* with the moral law but it must also be done *for the sake of the law*; without this, that conformity is only very contingent and precarious..." p. 3 4:390 of Kant, Immanuel. *Groundwork of the Metaphysics of Morals*, translated and edited by Mary Gregor (Cambridge University Press: 1998), part of the "Cambridge Texts in the History of Philosophy" series.

lacking in moral worth. Or so, at least, the imaginary critic who has been pressing this objection would have us believe.

To better see the crux of the concern here, a brief detour into the *Groundwork of the Metaphysics of Morals* is in order. First, recall Kant's much-discussed example of the shopkeeper (let's call him Miles) who strives to run an honest business not because he recognizes that this is something that duty requires, but rather because he has an interest in doing so; e.g. he recognizes that this is the most sensible, and potentially most profitable, policy to adopt in the long run (or something along these lines). According to Kant, though we can imagine that the outward actions of such an individual are extensionally equivalent to those of another shopkeeper (let's call him Ben) who, *ex hypothesi*, instead acts for the sake of honesty itself (that is; because he regards himself as being duty-bound to be honest), Miles' actions lack moral worth. The operative distinction here is between acting *from* duty, and acting ('merely') *in conformity with* duty; Ben does the former; Miles, the latter. The key consideration here, as Kant sees it, is that Miles' will is not properly oriented toward the *duty* he has to be honest; rather, Miles' actions, indeed, his general policy of running an honest shop, are firstly motivated by his (non-moral) *inclination* to succeed as a businessman. Kant complicates things somewhat by suggesting that the moral worth of an action is something that may be beheld that much more clearly when the agent in question is not merely acting from duty, but indeed is simultaneously acting either *against* inclination(s) to the contrary,

or else without any inclination at all. Kant illustrates this with the example of the unhappy philanthropist who, unlike his naturally altruistic counterpart (whose beneficent actions merely *conform* to duty), admirably manages to wrest himself from his own despair and self-preoccupation and, despite having no real inclination to act from his duty (to be beneficent), does so anyway. As Kant sees it, this is the moment at which “the action first has its genuine moral worth,” because the agent has performed it “simply from duty.”<sup>210</sup> This is an interesting and important notion, to be sure; it is also, however, one that is quite challenging to make good sense of (indeed, as one commentator put it, this is the point in the *Groundwork* at which “Kant notoriously tied himself into a knot.”<sup>211</sup>). On the one hand, it is tempting to suppose that what Kant has in mind here is some strange thesis according to which duty and inclination are contradictories in one’s motivational scheme, at least insofar as the latter must be utterly absent (or else motivationally *inert*) in order for a right action to count as morally worthy *at all*. Alternatively, perhaps he allows that the two can coincide; perhaps, for Kant, the point is merely to stress that an action cannot be said to possess “genuine moral worth” (or, at any rate, very little), if it is performed *solely* from inclination? The latter possibility would seem to enjoy the decided advantage of being at least somewhat

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<sup>210</sup> Kant, *Ibid.* pp. 11 – 12; 4:398 and 4:399

<sup>211</sup> Philippa Foot, in *Virtues and Vices and Other Essays in Moral Philosophy* (University of California Press, 1978) Ch. 1 “Virtues and Vices,” p. 12



more intuitive than the former, but even so, questions remain; *deep* questions at that, since they speak to the fundamental structure, internal coherence, and overall plausibility of Kant's moral philosophy; questions, in other words, which most assuredly will *not* be settled here, but which we shall have occasion to at least touch upon, albeit somewhat indirectly, below.

In many discussions of the *Groundwork*, it is a favoured move at this point to contrast Kant's conception of morally worthy action with Aristotle's, according to which (very roughly) right actions (and the agents who perform them) are taken to be fully, or maximally, virtuous when and if they are carried out from (or at least *with*) a *desire* to act thusly. On Aristotle's view, the agent who exemplifies this virtuous character (called the 'phronimos') is contrasted with those who are able to more or less reliably perform the same actions, make the same (correct) moral decisions, and so forth, but who do so merely on the basis of a kind of executive self-discipline, or, more to the point, a capacity to resist temptation(s) to the contrary; a capacity which he dubs 'continence.' With this conceptual framework now in place—and granting that the motivational character, indeed *will*, of *neither* the confirmed nor the precautionary vegan finds an *exact* parallel in either Kant's or Aristotle's treatment—we can at least begin to approximately describe the allegedly lesser moral stature of the precautionary vegan which this objection seeks to highlight—*contra* her confirmed counterpart—as deriving from the fact that precautionary vegans, to the extent that they do not *affirm* V, can at

most act *in conformity with* V; for they cannot, it seems clear, act *from* V. Equally tempting at this point is the possibility of glossing the confirmed vegan, inasmuch as she is deeply, thoroughgoingly, or perhaps even second-naturedly *disposed* to her own veganism, as a kind of Aristotelian *phronimos*.<sup>212</sup> Alternatively, and at the very least, one might non-problematically describe her as acting *from* V. More colourfully, the confirmed vegan, one could say, is ‘living a V *life*’; while the precautionary vegan is merely ‘doing V things.’ Granted, the actual ‘V things’ (i.e. actions, choices) that the precautionary vegan does are one and the same as those the confirmed vegan does; and yet, intuitively, merely doing ‘all the V things’ does not a V life make. In sum, though the relevant actions are equivalent in their extension and effect, it is only within the context of a V *life* that these possess moral worth—as reckoned by the lights of confirmed veganism, anyway. Or so, at least, someone who has been pressing this objection might opine.

*Is this, in fact, the right way to understand the situation? Is precautionary* veganism (comparatively speaking) really as morally impoverished, as lamentable, as ‘second rate’ as all that? I am not at all sure that it is. It is not that the (same) actions, as performed by the precautionary vegan, lack moral worth (full stop!); hardly. It is

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<sup>212</sup> That is to say, an Aristotelian *phronimos* at least as far as her *consumption* habits are concerned (i.e. such an individual may, or may not be a *phronimos* in the more expansive sense of what Aristotle took this to mean; the point being that one is not a *phronimos* in *this* sense simply on account of one’s having a, call it, ‘*phronimos-esque*’ disposition where consumption is concerned).

rather that they lack the *kind* of moral worth that would (and characteristically does) attend their performance by confirmed vegans. This does not exclude, or even tell against, our recognizing the different kind of moral worth they do have. More to the point, once we have gotten clear about this, one sees how the objection at hand is really quite overblown. In what small space I have left—and granting that any quantitative claim, like the following, which purports to compare two qualitatively different kinds of things (e.g. different forms of moral worth) is inevitably subject to criticisms involving, so to speak, apples and oranges—I would like to explore the possibility that there may actually be a sense in which precautionary vegans can, and perhaps should, be held in at least as much moral esteem for their V-actions as confirmed vegans are for theirs (albeit esteem that picks out different features, and facts, about either agent). Or, if one finds this parity claim too strong (and I grant that it may well be), my suggestion can instead be taken to be that there are, in the very least, compelling grounds for thinking that confirmed vegans should acknowledge, and perhaps even applaud, the not inconsiderable agent-specific moral worth of their precautionary counterpart's actions. Indeed, I would also suggest that this is a view that it is possible to hold whether or not one is vegan (assuming the non-vegan who might hold it does not also hold the bizarre view that it is morally wrong to be vegan), since, as will become clear momentarily, the moral worth of precautionary veganism—and here I would stress, again, that the

evaluative stance at issue is toward the individual moral agent him or herself<sup>213</sup>—is in part a matter of one’s exemplifying an above-average level of investment in, and sustained commitment toward, the importance of taking oneself, one’s life, and one’s choices therein *morally seriously*; but also, and just as importantly, of the fortitude required to resist the ubiquitous temptation (or, at least, the ample opportunities there are) to relent, to fall back into old habits of consumption, and, therein, to give in to those non-vegan desires which may be contrary to one’s precautionary stance. These are, it seems to me, familiar and universally admirable qualities; granted, precautionary veganism is but one of no doubt many different contexts in which they might become especially evident, but this is only because precautionary veganism is a context in which the extent to which one either does, or does not, possess them becomes especially *practically* important. One could, in other words, be a better or worse precautionary vegan; it is the former that I am concerned with here.

The first, and in some ways most important, point to note about the agent-specific moral worth of precautionary veganism is that while it is true that the agent arguably does not act *from* V in the Kantian sense of what this means, the sense in which she acts *in conformity with* it, though no doubt difficult at times, should not be

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<sup>213</sup> As I indicated above, the extent to which it constitutes, in its effects, an extensionally equivalent response (of avoidance, abstinence, and the withdrawing of one’s material support) to animal suffering is another sense in which one could describe the moral worth of precautionary veganism.

characterized as implying a form of reluctance, aversion, much less opposition on her part. On the contrary: the precautionary vegan, recall, has an exceptionally clear-eyed, if nuanced and somewhat unusual, conception of, and relation to, V: she neither believes nor disbelieves V, because from her vantage, V and not-V, respectively, are *open epistemic possibilities*. The precautionary vegan thus does not become vegan because she believes that this is morally required of her; she does so because she does not *disbelieve* this. Nor is this an arbitrary decision; hardly, as we have seen, Pascalian considerations have aided this individual in coming to see that in conditions of uncertainty involving harm (and other things being equal), it is morally responsible to err on the side of non-harm (or less harm). This is admirable. Thus, while it is true that she does not *believe* that-V, and hence cannot act *from* this, her resolve to act in accordance with V nevertheless is *itself* moral. The evaluative significance of this can be easily seen by contrasting the precautionary vegan's decision here with, say, those who become vegan because they believe that this will help them to lose weight, or to become healthier, or because they have been instructed to do so by someone they regard as a religious authority, or because they wish to emulate the latest celebrity who has decided to 'try' veganism... and so on. In sum, precautionary veganism is still morally motivated veganism, and thus is arguably much closer to confirmed veganism than it is to, say, Kant's shopkeeper, whose inclination to be honest is in fact *instrumentally* motivated (i.e. by *non-moral* considerations about the likely effects and benefits of running an honest shop). It is, I think, correct to say that one can only act *from* a moral

belief one actually holds; but we should not lose sight of the fact that there are many different ways an agent might act in accordance with such a belief; some of which—as the previous examples well show—may be entirely non-moral in their motivational character; while others, significantly, may be moral first and foremost.

Finally, I will close by noting that there actually *is* an important sense in which precautionary vegans can be said to be acting ‘from duty;’ namely, [from] the duty they take themselves to have to err on the side of moral caution in conditions of uncertainty (or, at any rate, in the particular case of their uncertainty regarding the permissibility of consuming animal products). Again, this is admirable. Part of what is *especially* admirable in the precautionary vegan’s case, however, is that, as duties go, this is plausibly one that falls more on the ‘hard(er)-to-satisfy’ than the ‘piece of cake’ end of the spectrum. Simply put, being a precautionary vegan requires *moral effort*. Consider: as we discussed in Chapter 4, the status quo is decidedly, one could even say *overwhelmingly*, pro-animal consumption. This means that one literally cannot go through one’s day without facing multiple reminders of how normalized eating animals (and products derived from their bodies) is; up to and very much including occasions in which one faces external pressures to conform (e.g. from friends, family, colleagues, social media, etc.); personal temptation to indulge in one’s favourite animal foods, or both (and to say nothing of the virtually constant barrage of pro-animal consumption messages from animal-exploiting companies advertising animal food). Granted, confirmed vegans

are of course subject to all of this as well; the key difference, for present purposes, is that our steadfastness in the face of it is firstly informed by our affirmative conviction that V is true. Put otherwise, most fully confirmed, ‘all-in’ ethical vegans would no more lament, or struggle with, ‘not being able’ to partake of cheese, eggs, meat, or what have you than we would complain of our ‘not being able’ to steal that which we cannot afford to pay for. Granted, it can be difficult, at times, to live *as* a confirmed vegan in a culture where the majority of people seldom even think twice about where their food comes from (and how it was produced). To be frank, this can be quite depressing. So in *this* sense, at least, being a confirmed ethical vegan requires moral effort too. Also, to be absolutely clear, I do not mean to imply that the extent to which (some) confirmed ethical vegans have, so to speak, so ‘internalized’ the norms, principles, characteristic habits and choices of veganism as to have become all-but unnoticed, or second-nature, in one’s daily life is *not* ‘morally worthy.’ Hardly. The point is just to observe that the sense in which those who have done so surely are deserving of moral credit is altogether different from that which, I am here suggesting, precautionary vegans are due.

To conclude this study, and also for some assistance in resolving, and (one hopes) more sharply stating the central point I have been trying to make in these past few pages, I would turn to an especially sage passage from Philippa Foot’s classic paper “Virtues and Vices.” Here, Foot writes,

...[M]any people feel strongly inclined to say that it is for moral effort that moral praise is to be bestowed, and that in proportion as a man finds it easy to be

virtuous so much the less is he to be morally admired for his good actions. The dilemma can be resolved only when we stop talking about difficulties standing in the way of virtuous action as if they were of only one kind. The fact is that some kinds of difficulties do indeed provide an occasion for much virtue, but that others rather show that virtue is incomplete.

To illustrate this point I shall first consider an example of honest action. We may suppose for instance that a man has an opportunity to steal, in circumstances where stealing is not morally permissible, but that he refrains. And now let us ask our old question. For one man it is hard to refrain from stealing and for another man it is not: which shows the greater virtue in acting as he should? It is not difficult to see in this case that it makes all the difference whether the difficulty comes from circumstances, as that a man is poor, or that his theft is unlikely to be detected, or whether it comes from something belonging to his own character. The fact that a man is *tempted* to steal is something about him that shows a certain lack of honesty: of the thoroughly honest man we say that it “never entered his head,” meaning that it was never a real possibility for him. But the fact that he is poor is something that makes the occasion more *tempting*, and difficulties of this kind make honest action all the more virtuous.<sup>214</sup>

Granted, it is surely true that the ‘temptation’ faced by individual precautionary vegans is obviously not strictly equivalent to the temptation faced by the virtuously honest poor man in Foot’s stealing example; but, then, neither is it wholly disanalogous. It should also be stressed that ‘temptation’ is itself probably not the most apt term to describe the precautionary vegan’s situation either (although there may be times when it is). The salient point, rather, is that the difficulties that may ‘stand in the way’ of the precautionary vegan’s ‘V-actions,’ and which she may need to expend real moral effort to overcome, are, at least in a particular manner of speaking, more plausibly thought of as matters of circumstance than character: the chief ‘circumstances’ at issue

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<sup>214</sup> Foot, *Ibid.* p. 11



being the brute fact(s) that (a): this is an individual whose innate capacity for clear-eyed moral perception where non-animals are concerned has, like virtually all of us, been blunted, indeed systematically distorted, by the speciesist, animal-exploiting milieu that has always surrounded her; and, relatedly, (b) that this is an individual who is faced with the task of fundamentally re-orienting the consumptive dimensions of her life and, therein, the challenges involved in thus resisting the long-standing, deep-seated force of habit (and, no doubt, external pressures to conform) that may continually push against her resolve, but who, unlike the newly converted fully confirmed vegan, *cannot* avail herself, in so doing, of the strength of her conviction that-V. This, alas, is simply not there for her (at least not yet). It *should* be; but it isn't. *And yet*, because this individual is also someone who (rightly) regards herself as bearing a moral obligation to err on the side of caution when she is unsure, she resolves to pattern her life, going forward, according to V.

None of the above is to say, mind you, that by confirmed vegan lights it would not have been better, all told, had the precautionary vegan instead responded to the confirmed vegan's first-order arguments *directly* by affirming V and becoming fully ethically vegan; of course it would have (after all, given that it is characterized by an agnostic stance toward V's truth-value, precautionary veganism is epistemically

somewhat precarious<sup>215</sup>). Nor is it to say that the precautionary vegan's failure to affirm V is not *just that*; a failure. It surely is. However, this is, I think, a failure that is in no small part attributable to the pervasive distorting influence of speciesism and status quo bias. Granted, from one person to the next, it may be more or less a matter (or better, a 'failing') of one's character that one is unable to fully overcome these factors in response to the plain and simple case for ethical veganism; but regardless, it is nearly always, in some measure, also an indication of the profound normative-psychological force the dominant ideology that prevails in one's social circumstances can have on a person. This is, of course, regrettable, and one hopes that, in time, through patient, good-faith argument, one will be able to push through such cognitive interference, and thus help one's precautionary vegan interlocutor to heed the counsel of their deepest, best selves, and become fully ethically vegan. Ultimately, this is but the upshot of one's coming to terms with a very simple truth: as Josephine Donovan reminds us, "We should not kill, eat, torture, and exploit animals because they do not want to be so treated, and we know that."<sup>216</sup> Indeed we *do* know that; the difficulty is that the full implications of this—namely; that the consistent application of this knowledge in practice *just is*

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<sup>215</sup> It will be noted that even confirmed ethical vegans can undergo a change of heart, re-examine, revise, or even come to abandon their convictions entirely. This is, of course, true. However, the 'epistemic distance' (so to speak) between initially affirming and subsequently denying V is surely greater than that between initially neither affirming nor denying V and subsequently denying it.

<sup>216</sup> Josephine Donovan, "Animal Rights and Feminist Theory," in *Signs* 15(2): pp. 350-375, p. 375

veganism—is something that is, for a great many people, difficult to accept. To be sure, we confirmed vegans have our work cut out for us in this regard going forward; that much is clear. To that point, I would just add that if there is but one goal in this entire dissertation that I hope to have accomplished above all, it is that for all those who have persevered and read through this entire study, this simple deliverance from one’s own conscience will by now have become that much more apparent, and that much more insistent.

In closing, and to return to the matter at hand, there is a danger of overstating, and even outright misconstruing, the evaluative importance (*vis-à-vis* the ‘moral worth’ of one’s actions), of a precautionary vegan’s failure to become fully ethically vegan directly, just as there is a danger of *understating* the individual moral effort that may be required, day in and day out, in holding fast to one’s decision to err on the side of caution and become a precautionary vegan in the first place. Nor is the salient general point here ‘vegan-specific,’ since, at bottom, this is merely to stress the importance of each of us, vegan or otherwise, being neither too quick to withhold, nor too slow to bestow, (moral) credit where credit is due. Precautionary veganism is a significant step in the right direction; in time, and with further argumentative encouragement, there is good reason to expect that such individuals will take the next step, and join the ever-growing ranks of confirmed ethical vegans the world over.

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# Curriculum Vitae

Adam Reid received a B.A. (Hons.) in philosophy from Queen's University (Kingston, Canada) in 2009, and an M.A. in philosophy, also from Queen's, in 2010. He was awarded the 2009 "Political Philosophy Book Prize" by the Queen's Philosophy Department, and an "Ontario Graduate Scholarship" (awarded jointly by Queen's and the province of Ontario) later that year. His M.A. thesis, "Physicalism and Phenomenal Consciousness," offers a close reading and critical discussion of the work of David Chalmers, and argues for a non-reductive physicalist response to the (so-called) "mind-body problem." Adam entered the Ph.D. program in philosophy at JHU in 2011, with the intent of continuing to work on related issues in the philosophy of mind. However, after becoming vegan in 2012, his research interests began to shift more and more toward animal ethics and animal rights theory. Adam worked as a Teaching Assistant for 3 years while studying at JHU (primarily for Introduction to Bioethics, and Introduction to Formal Logic), and served as Treasurer of the Hammond Society for the 2012-2013 academic year. He was awarded the Lovejoy Dissertation Completion Fellowship for Spring Term, 2017.